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The Solicitors' Journal.

LONDON, OCTOBER 11, 1873.

WE UNDERSTAND that the city of Carlisle has applied for and obtained a separate Court of Quarter Sessions under the 5 & 6 Will. 4, c. 76, s. 103, and that Mr. Herschell, Q.C., of the Northern Circuit, has been appointed the first Recorder. Mr. Herschell was called to the bar in Michaelmas Term, 1860, and was made a Queen's Counsel in 1872.

THE QUESTION whether occupiers of single rooms, who are separately rated under the Poor Rate Assessment Act, 1869, to the relief of the poor, are entitled to the franchise as *householders* under Mr. Disraeli's Reform Act, seems likely to again engage the attention of the Court of Common Pleas in Michaelmas Term. It was raised in 1871 in the cases of *Thompson v. Ward* (L. R. 6 C. P. 327, 19 W. R. C. L. Dig. 53), and *Ellis v. Burch* (ib.); but the Court was equally divided in opinion, Bovill, C.J., and Keating, J., considering that the occupiers were entitled to vote; Willes and Brett, JJ., on the other hand, considering that they were not. For the present, therefore, each revising barrister is free to follow his own judgment in the matter, the Court of Appeal having found themselves unable to lay down any rule on the point.

The difficulty is caused by the famous interpretation clause of the Reform Act of 1867, according to which "dwelling house" includes "any part of a house occupied as a separate dwelling and separately rated to the relief of the poor." It was forcibly contended in the Court of Common Pleas that this clause did away with the old rule, under the Reform Act of 1832, that no tenement could confer a vote as a "house" unless it was structurally complete within itself (see *Cook v. Humber*, 10 W. R. 427, 11 C. B. N. S. 33), and if a majority of the Court had adopted this view the decision would have enormously extended the franchise. Indeed in towns where the owner pays the rates under a vestry order or agreement in writing with the overseers, it would practically have conferred universal suffrage. For it must be remembered that in such cases the overseer is bound, under 32 & 33 Vict. c. 41, s. 19, to place the occupiers' names on the rate-book, and when once placed there they become duly "rated," although the owner pays the rate. Willes, J., appears to have shrunk from sanctioning so great a change simply upon the construction of an interpretation clause, and held that the only effect of the Act of 1867 was to strike the £10 element of value out of the qualification of the voter, and that, although he no longer need occupy a house of £10 in value, he still must occupy a "house" within the meaning of the decisions on the Act of 1832. "I cannot think," he said, "that the Legislature, by the interpretation they put on the word 'dwelling-house,' meant to enlarge the franchise given by section 3 to such an extent that every man who occupies any portion of a dwelling-house—a single room or a cupboard, of which he is sole tenant—shall have a right to vote as the occupier of a 'dwelling-house' within that section, although

no such franchise existed before, either at common law or under the Reform Act. That does not appear to me to be the proper office of an interpretation clause." And again: "It is clear to my mind that, by 'separate dwelling,' the Legislature meant something which is physically capable of being described as a dwelling-house, whether the separation be practical or structural. Taking *Cook v. Humber* as my guide, I adopt the latter expression. It must be something more than a mere room in a dwelling-house." Brett, J., whilst agreeing in the conclusion arrived at by Willes, J., did not, however, adopt the "structural" test. According to him the separation of the qualifying property must be *practical*; and where, as in both the cases then *sub judice*, the claimant occupied a room separately, but the passage and staircase jointly with other people, he held that there was no practical separation of the thing occupied.

With all respect to the opinions of Bovill, C.J., and Keating, J., we confess that the reasoning of Willes, J., commends itself to our judgment as unanswerable. It surely can scarcely have been intended to introduce an entirely novel description of qualification by the interpretation clause of a statute which created in express terms a lodger franchise, and which is to be read as one with the old Reform Act. We observe that the question has been raised before the revising barrister at Tyne-mouth, and we believe that at Penryn it is the intention of both parties to raise it. The revising barristers will scarcely, we should suppose, take upon themselves finally to decide upon the matter, but will state cases for the opinion of the Court. It may be hoped that on this occasion the Court may lay down a rule for the future. If they should still be equally divided, the interpretation clause will require to be itself interpreted next session by the Legislature.

THE COMMITTEE ON CIVIL SERVICE EXPENDITURE whose second report we noticed some time since (*ante*, p. 665), recommended the appointment by the Crown of "a small commission of inquiry" into the administrative departments of the courts of justice, which should "be so constructed as to carry weight with Parliament and the country, and which should include persons familiar with the work of these establishments, and others acquainted with Treasury business and departmental organisation." Such a Commission has just been appointed, and the duties assigned to it embrace inquiries as to the numbers, salaries, superannuations and costs, and the organisation, manner of appointment and of promotion for each establishment, and the Commission are also asked to recommend who ought to be responsible for the organisation of the establishments, and what should be their relation to the Treasury.

The gentlemen of the Treasury who were examined before the Parliamentary Committee leave no uncertainty as to what their views are on this subject. They will be satisfied with the absolute control over all the officers appointed by the Lord Chancellor and at present amenable to him, and with nothing less. Their ideas are admirably described by the present Lord Chancellor, who says that the stated views of these gentlemen (*i.e.*, of the Treasury) "might to some minds possibly convey the impression that those on whom the law has imposed the duty of appointing to a vacant office connected with the administration of justice are justly liable to the imputation of considering their patronage more than their duty, unless upon every occasion of a vacancy in any office they act as if there were a presumption that the office ought to be reduced or abolished." There can be little doubt that this remark embodies not merely the impression as to the views of the Treasury conveyed to "some minds," but that which the words and actions of the department had conveyed to his Lordship's mind.

Under the investigation to be made by the commissioners every legal office will doubtless be strictly inquired into, and in the end either reduced or increased to meet

the requirements of business, and to this no objection can be made, but we must confess to a strong feeling against giving to the officers of the Treasury the absolute control they seek, enabling them to defy the Chancellor and to say in effect, "You may appoint but we shall decline to pay." Experience has but too forcibly proved that in the Treasury are not careful to show that they make the efficiency of the public service the prime consideration. At any rate we may hope that in taking evidence as to this matter the commissioners will not content themselves with examining only gentlemen from the Treasury whose ideas have already been so fully expounded before the Parliamentary Committee and so aptly described in the letter from which we have quoted.

WE PRINT in another column some remarks recently made by Mr. Daniel at the sitting of the County Court at Clitheroe on imprisonment for debt, which furnish a useful contribution to the discussion of that question. Especially striking are the figures given with reference to the practical operation in that Court of the law for the repeal of which such energetic efforts are being made. It appears that between 1st January and 31st August last there were twenty-four summonses issued, twenty-four served, eleven heard, and five orders made. There was only one arrest, and the debtor, after being imprisoned four days, paid the debt and costs. Mr. Daniel's testimony is that as far as his experience goes the jurisdiction is a useful one, provided always care is taken by the Court that the order is not made unless the Court is satisfied that the debtor either has or has had the means of paying. As to this we may again point out that even Mr. Bass's Committee are constrained to admit that in deciding upon the debtor's ability to pay, the county court judges "take great pains to ascertain the facts and to adjudicate upon them justly and equitably."

JUDICIAL STATISTICS, 1872.

CRIMINAL PROCEEDINGS—PRISONS.

The number of persons for trial in 1872 shows a decrease of 1,468, following a decrease in 1871 of 1,309, and in 1870 of 1,740. Of the 14,801 persons sent for trial in 1872, it appears that 70 were tried for murder, and that of these 30 were convicted, of whom 7 were females. Of the males 14 were executed, and one strangled himself in prison. The sentences of eleven, that is to say of 8 males and 3 females, were commuted to penal servitude for life; the sentence of one female was commuted to penal servitude for five years, and of one to 18 months' imprisonment with hard labour. One male and one female were removed to Broadmoor Asylum as insane.

As regards offences against the person there is a decrease in 1872 of 93 in the total number sent for trial, but among these offences against the person is that of murder, in which we find an increase of 16. The total number brought to trial for offences against the person was 2,082 in 1872, and 2,175 in the previous year. For offences against property with violence there were 1,325 persons brought to trial in 1872, and 1,500 in the previous year; and for offences against property without violence, there were 10,225 in 1872, and 11,265 in 1871.

The following table shows the disposal at trial of the 14,801 who were committed in 1872, and of the 16,269 who were committed in 1871:—

	1872.	1871
Not prosecuted and admitted as evidence	16	20
No bills found against.....	675	793
Not guilty at trial	3,210	3,470
Acquitted and discharged	3,901	4,283
Acquitted on the ground of insanity.....	16	19
Found insane	22	21
Detained as insane	38	40

	1872.	1871.
Sentenced to death	30	13
" penal servitude....	1,514	1,627
" imprisonment, &c.	8,941	9,895
" reformatories, &c.	178	188
" fine, or discharged on sureties.....	199	223
	10,862	11,946
Total committed	14,801	16,269

The number acquitted and discharged is 26·35 per cent. of the number committed, and this proportion has not varied greatly for the last ten years. The number of persons sentenced for murder in 1872 is the largest number for many years. In 1871 there were only 13, and in 1870 there were 15.

Of the 1,514 who were sentenced to penal servitude the term of 14 was for life, that of 17 for more than 15 years, that of 32 for more than 10 years, and that of 1,451 for ten years or under.

Twenty-one cases were submitted, in 1872, for the consideration of the Court of Criminal Appeal, as against 27 in 1871 and 32 in 1870. In the result we find that 17 convictions were confirmed, two were reversed, and two cases stood over to be argued before all the judges.

The return of costs of criminal prosecutions, paid by her Majesty's Treasury, is for the year 1871. By this return it appears that the total number of indictments was 14,615, and that the total amount of costs paid by the Treasury in respect of these indictments was £114,014 13s. 4d., being an average of £7 16s. for each indictment. Also that the total number of summary proceedings under the Criminal Justice Act and the Juvenile Offenders Act was 17,370, costing the Treasury £17,174 17s., or an average of 19s. 9d. for each case. In the previous year the average cost of each indictment was twopence more, and the total cost £6,101 15s. 2d. more; but the average cost of each summary proceeding was twopence less, and the total costs £308 10s. 4d. less. The twopence saving on each indictment follows a saving of 4s. 1d. in 1869.

The number of Mint cases prosecuted by the Government, and concluded in the year 1872, was 207, and the costs paid by the department of the solicitor to the Treasury in these cases was £1,923 16s. 4d. There were also 38 other cases prosecuted by the solicitor to the Treasury, the cost of which amounted to £2,528 8s. 11d. In 1871 the Mint cases numbered 226, costing £2,341 18s. 2d., and the other prosecutions 25, at a cost of £4,686 15s. 6d.

The returns for local prisons, reformatories, and industrial schools and those for criminal lunatics, are for the year ending the 29th of September, 1872, and those for convict prisons are for the year ending the 31st of March, 1873. There are now 80 county and liberty prisons in use, and 35 city, town, and borough prisons. The two county prisons of Louth and Kirtton, and the city prison of Chester, were abolished during the year, and a new county prison for the parts of Lindsey was opened at Lincoln.

There were 158,141 persons committed to prison during the year, being 2,793 less than in 1871; but this decrease was in the number of the male prisoners, the number of the female prisoners showing an increase of 2,948. In the year 1870 there was a decrease of 7,200 in the number of commitments. The prisoners are described as follows:—

Remanded and discharged	10,693
For trial at assizes and sessions.....	13,448
Convicted at assizes and sessions (not previously in custody)	1,204
Convicted summarily	118,261
Want of sureties	3,467
Debtors on civil process	8,219
Military and naval offences.....	2,849
	158,141

We find that 57,464 of these offenders had been previously committed to prison, of whom 1,047 had been sentenced to transportation or penal servitude. Those who had been committed more than ten times numbered 6,444, and more than five times 7,269; 3,056 had been committed five times, 4,290 four times, 5,803 thrice, 9,676 twice, and 20,925 once. In 1871 the number recommitted was 1,076, and was in the same proportion, namely, 1·8 per cent. of the total number, as in 1872. The proportion of females recommitted is always largely in excess of that of the males. The proportion which the number of prisoners under sixteen bears to the whole number of prisoners, exclusive of debtors and naval and military offenders is 6·3 per cent. In 1871 the proportion was 6·0 per cent. Taking 147,073 prisoners who were neither debtors nor military nor naval offenders the number who could neither read nor write was 49,345, those who could read or write imperfectly were 92,126, those who could read and write well were 4,892, while 223 had received superior instruction and the degree of instruction of 487 was not ascertained. The benefits of the Education Act have not as yet made their mark upon this portion of the returns. The classification of the occupations of these 147,073 prisoners is as follows. The parallel numbers for 1871 are also given.

	1872.	1871.
No occupation	19,834	18,742
Domestic servants	4,833	4,942
Labourers, charwomen, needlewomen	68,136	70,533
Factory workers	8,061	7,805
Mechanics and skilled workers	23,583	25,076
Foremen and overlookers of labour ...	100	132
Shopmen, shopwomen, clerks, &c. ...	2,292	2,202
Shopkeepers and dealers	5,420	5,876
Professional employments	371	327
Sailors, marines, soldiers	5,040	4,677
Prostitutes	9,101	8,456
Occupation not ascertained	302	326
	147,073	149,094

There were 17,572 prisoners at the beginning of the year 1872, and 158,141 were committed during the year and 3,334 were removed between local prisons, making a grand total of 179,047 prisoners in all local prisons during the year, who were disposed of in the following manner:—

Removed from local prisons:—	
To Government prisons	1,711
To County and Borough prisons	3,290
To Reformatory schools	1,634
To Lunatic asylums	179
Discharged:—	
On pardon or commutation	124
On ticket of leave	2
On termination of sentence	153,518
Bailed (after committal)	953
Escaped	3
Committed suicide	16
Died	202
Executed	9
	161,641

There remained therefore in prison at the end of the year 17,406 prisoners, of whom 276 were debtors. This shows a decrease of 166 prisoners at the end of the year from the number at the beginning, the decrease in the number of debtors being 35.

During the year 1872, the number of prisoners under sentence of hard labour was 89,863, being a decrease of 1,513 from the number in the previous year. There were 202 deaths among prisoners, being 9 less than in 1871, and being in the proportion of 1 to every 869·8 of the total number of prisoners during the year. The cases of sickness were 82,004, including 201 cases of insanity. The number of this class of cases was 2,473 more than in 1871, but the cases of insanity were less by 20.

Offences against prison discipline show an aggregate

number of 52,668 punishments, being 180 less than in 1871. The punishment of whipping for this class of offences was administered in 164 cases, 169 were put in irons, 14,994 into solitary or dark cells and 37,401 suffered stoppage of diet, &c.

Prison officers numbered 2,508, being one for 6·9 of the daily average number of prisoners; the proportion of the previous year was one to 7·4.

In the year 1872 prison buildings and establishments cost £622,798 14s. 8d., being £27,343 4s. 2d. more than in 1871, but in that year the expenditure under this head was £72,031 4s. 7d. less than in 1870. The cost in 1872 was divided as follows:—Extraordinary charges £149,158 2s. 10d.; ordinary annual charges £100,305 5s. 10d.; officers' £230,871 6s. 7d.; and prisoners' £142,463 19s. 5d. The increase in the expenditure is more than accounted for in the item of extraordinary charges which in 1871 only amounted to £118,073 10s. 5d. The total average cost per prisoner was £35 11s. 6d., or omitting extraordinary charges £27 1s. 1d. The total average cost exceeds that for 1871 by £3 6s. 8d. The lowest average cost per prisoner in any one prison was £16 10s. 5d. at Barnstaple Borough Prison, with a daily average of 12 prisoners, and the highest £124 13s. 3d. at Lincoln County Prison, with a daily average of 11 prisoners. Oakham, which used to exhibit the highest average cost per prisoner, no longer occupies that unenviable position.

The sum of £622,798 14s. 8d., the total cost of prisons during the year 1872, was provided as follows:—£54,288 18s. 1d. consisted of prison receipts, including £46,617 2s. 3d., the profits of prisoners' labour; £468,435 4s. 6d. was paid out of local rates or funds, and the remainder, being £100,074 12s. 1d., was derived from the public revenues.

The returns relating to convict prisons are for the year ending the 31st of March, 1873, and comprise the returns of the ten prisons remaining in use for convicts under sentence of penal servitude. At the beginning of the year 1872-3 there were 9,732 convicts undergoing sentence, and there were 1,939 received from county and borough prisons during the year, making together 11,671. In the previous year the number of convicts at the beginning of the year was 9,553, and during the year 2,042 were received, making a total of 11,595. The 11,671 convicts in prison during the year 1872-3 were disposed of as follows:—215 were discharged on termination of their sentence, 1,595 on tickets of leave, 5 on medical grounds, 10 on commutation of their sentence, and 7 were pardoned. Besides those discharged we find that 151 died in prison, 3 committed suicide, and 1 escaped, making altogether 1,987 convicts disposed of during the year, and leaving 9,684 prisoners in convict prisons at the end of the period. It will be observed that there is a decrease of 48 in the number left at the end of the year from the number at the beginning. The number discharged on tickets of leave in the previous year was only 1,491, and during the same period the number who died was 147. The total number of punishments in convict prisons for prison offences was 25,613, as against 25,957 in the previous year, or a decrease of 344. Of these punishments 81 are described as "corporal." The total number of prison officers was 1,677, being 35 more than in 1872; and of this number 165 were females.

Convict prisons cost the country £317,287 8s. 11d. in the year 1872-3, giving an average of £30 14s. 9d. as the cost of each convict. This is an increase of £3,654 10s. 1d. in the expenditure, and a decrease of 9s. 9d. in the average cost of each convict, following an aggregate decrease of £2 8s. 3d. in the four previous years on the average cost of each convict. Deducting the value of labour, exclusive of employment in the service of the prisons, the net cost of convict prisons is £111,686 11s. 4d., and the net annual average cost per prisoner £10 16s. 5d. Portsmouth and Chatham are the only convict prisons where the annual earnings exceeded the cost of main-

tenance; and in the one case the amount of excess was £3 13s. per prisoner, and in the other £5 16s.

There were two new reformatory schools certified during the year 1872, making 53 schools of this description now in existence. These schools are for offenders who have been previously sentenced to a term of imprisonment of ten days, or longer. During the year 1,348 offenders were committed to reformatory schools, being 42 more than in the previous year; the terms for which they had been previously imprisoned varied from 10 days up to 5 years and upwards, and by far the larger proportion had suffered the longer term. At the beginning of the year it appears that there were 4,368 inmates of reformatory schools, and that these, added to the 1,348 committed during the year, and 123 received from other schools, re-admitted, &c., make a total of 5,839 during the year. Of these it appears that 849 were discharged by order from the Secretary of State, or permitted out on licence; 420 were discharged on completion of their term; 57 absconded, and were not retaken; 14 were committed to prison for refractory conduct; 41 were removed to other certified reformatory schools; and 34 died, making 1,415 disposed of, and leaving 4,424 under detention at the end of the year, or 56 more than at the beginning. The total number of those previously committed to prison who were committed to reformatory schools during the year was 634, leaving 714 as the number who had not been previously committed to prison. Of these 1,348 children, who were all under 16 years of age at the time of commitment, the degree of instruction is thus tabulated:—

Neither read nor write	631
Read, or read and write imperfectly	615
Read and write well	96
Superior instruction	4
Instruction not ascertained	2

1,348

The Treasury paid £66,936 7s. 11d. on account of reformatory schools during the year 1872, being £916 3s. 1d. more than in 1871. The sums recovered from parents amounted to £3,124 10s. 9d., being £468 14s. 8d. more than in the previous year.

The Feltham Industrial School was provided under a local Act for male offenders convicted of offences committed within the County of Middlesex who are above 7 and under 14 years of age, and who may be sent to the school without a previous committal to prison. There is a separate return of the boys committed to Feltham under the local Act, those committed to this school under the Industrial Schools Act being included in the return of other industrial schools. Under the local Act 64 boys were committed to Feltham, as against 116 during the year 1871. There were 279 boys in the school at the beginning of the year, making, with those committed during the year, 343, as against 384 in the previous year. Of these 343 it appears that 65 were discharged under orders of the Secretary of State or on leave of absence, 53 on completion of their time, and 2 died, leaving 223 under detention at the end of the year. It appears, therefore, that the boys detained at Feltham under the local Act were 56 less at the end of the year than at the beginning. The gross cost of Feltham Industrial School under the local Act was at the rate of £24 17s. 6d. per head, but the net cost per head is stated as £14 13s. 2d., and we presume this takes into account the value of the boys' labour. The amount received from parents was £140 7s. 2d.

There are 71 industrial schools certified by the Secretary of State, being 3 more than appeared in the returns of last year. The number committed to these schools in 1872 was 1,832, being less by 72 than in the previous year. At the beginning of the year there were 5,798 under detention, and 156 were received from other schools, re-admitted, &c., making 7,786 as the whole number during the year. Of these it appears that 827 were discharged on the termination of their sentence, and

327 on licence, leave of absence, or on entering service; 45 absconded, and were not retaken, 125 were removed to other schools, and 76 died, so that 6,386 were left under detention at the end of the year, being 588 more than at the beginning. So far as it appears in the returns (which in this respect are imperfect) the total cost of industrial schools was £103,899 13s. 6d., as against £92,130 9s. 10d. in 1871. The amount received from parents was £3,299 15s. 8d., as against £2,633 7s. 1d. in 1871.

The number of criminal lunatics under detention in the several asylums, hospitals, and licensed houses, during the year ending the 29th of September, 1872, was 875, being 13 more than in 1871. Of this number 30 died during the year, 2 committed suicide, 3 escaped, 24 were discharged on becoming sane, 13 were removed sane for trial or punishment, 23 were removed to other asylums, and 101 ceased to be criminal lunatics, their sentences having terminated. All these amount to 196, and leave 679 as the number under detention as criminal lunatics at the end of the year, being 27 more than at the beginning. There were among these criminal lunatics 196 charged with murder, and 155 with attempts to murder, &c.

The different funds charged with the cost of criminal lunatics contributed as follows in 1872:—

County rates	£3,398 7 1
Borough rates and funds	813 19 8
Parish rates	6,672 12 1
Public revenues	26,083 8 4
Private funds	1,166 18 11
	£38,135 6 1

At Broadmoor, the State Asylum, where 562 of the total number of criminal lunatics are confined, the average cost per head was £61 2s. 10d., as against £65 5s. 9d. in 1871. In 35 county asylums the average cost per head was £23 15s. 7d. in 1872, and £24 12s. 6d. in 1871. In seven city and borough asylums it was £32 5s. 10d. in 1872, and £31 6s. 2d. in 1871. It is remarkable that the average cost at Broadmoor still continues to so far exceed that of other asylums.

LEGISLATION OF THE YEAR.

THE SUPREME COURT OF JUDICATURE.

CAP. LXVI.—*An Act for the constitution of a Supreme Court, and for other purposes relating to the administration of justice in England; and to authorise the transfer to the Appellate Division of such Supreme Court of the Jurisdiction of the Judicial Committee of Her Majesty's Privy Council.*

Lord Houghton has recently described the late session as "not fruitful in measures of higher legislation." We do not know what his lordship's standard of fruitfulness may be, or what he means by "higher legislation," but it is difficult to conceive of a more important result of legislative labour than this Act. We cannot pretend within our present limits to do more than give a general outline of the measure, leaving for subsequent articles the discussion in detail of many of its more important provisions.

The Supreme Court is to be formed by the consolidation of the Courts of Chancery, Queen's Bench, Common Pleas, Exchequer, Admiralty, Probate, Divorce and Matrimonial Causes, and the London Court of Bankruptcy. It is to consist of two permanent divisions, "Her Majesty's High Court of Justice" and "Her Majesty's Court of Appeal." The first judges of the High Court are to be the Lord Chancellor and the existing Equity and Common Law Judges of first instance, the Judge of the Probate and Divorce Court, and the Judge of the Admiralty Court, except such (if any) of them as may be appointed "Ordinary" Judges of the Court of Appeal. Vacancies may be filled up by letters patent, with this proviso, that if the

total number of Puisne Justices and Junior Barons who shall become Judges of the High Court shall exceed twelve, the vacancy caused by the death or resignation of any such judge shall not be filled up while such total number shall exceed twelve. In making this proviso the Act states an intention that the permanent number of Judges of the High Court shall not exceed twenty-one. But twelve Puisne Judges and Junior Barons together with the Lord Chancellor and the other Judges mentioned in the Act, make twenty-two and not twenty-one. Existing Judges are, it seems, to retain their existing titles; but as to future Judges while the titles of the three Chiefs and the Master of the Rolls are to be preserved, other future Judges are to be styled in their appointment "Judges of Her Majesty's High Court of Justice." In the absence of the Lord Chancellor the Lord Chief Justice of England is to be President of the High Court. There appears to be no express provision making the Lord Chancellor the President of the High Court.

The Court of Appeal is to consist of *ex officio* Judges, ordinary Judges, and additional Judges. There are to be five *ex officio* Judges, namely, the Chancellor, the three Chiefs, and the Master of the Rolls. These are the only judges of the Court of Appeal who can also be judges of the High Court. The ordinary Judges are not to exceed nine in number. The first ordinary Judges are to be the existing Lords Justices of Appeal in Chancery, the existing salaried Judges of the Privy Council, and three others to be appointed by patent. The appointment of additional Judges is optional, and subject only to the restrictions of their prescribed qualification, no limit is placed on their number. An additional Judge must have been either a Judge of one of the Superior Courts of Westminster, or of the Supreme Court, or a Scotch Lord Justice General or Lord Justice Clerk; or an Irish Lord Chancellor or Lord Justice, or an Indian Chief Justice of the High Court at Fort William in Bengal, or Madras, or Bombay. The additional Judges are to signify in writing their willingness to serve as such; they are to receive no salary, and will not be expected to sit in the Court of Appeal when prevented by attendance in the House of Lords or other reasonable impediment. As to the titles of the ordinary Judges, the effect of sections 6 and 11 seems to be that transformed Judges will keep their old titles while their successors and also all other appointed Judges will be styled Lords Justices of Appeal. The Lord Chancellor is to be President of the Court of Appeal.

The portion of the Act now under consideration contains provisions for the general qualification of the Judges, their tenure of office, the oaths to be taken by them, their precedence, pensions, &c., into which it is unnecessary for us to enter. No Judge of the Supreme Court is to be capable of sitting in the House of Commons. All the privileges and obligations of existing Judges are carefully preserved; and no existing Judge is to be required to act under any commission of assize, or gaol delivery, unless already liable to do so.

The salaries of existing judges are to remain unaltered. Those of future Judges will be as follows:—The Lord Chancellor, the three Chiefs, and the Master of the Rolls will receive the amounts now paid to the holders of those offices. Thus, the Lord Chancellor will receive £10,000; the Lord Chief Justice of England £8,000, and each of the other Chiefs and the Master of the Rolls £7,000. Each of the other Judges (except, of course the additional Judges who are to be unpaid) will receive £5,000 a year.

All officers attached to the Courts whose jurisdiction is transferred to the High Court or Court of Appeal are to be attached to the Supreme Court upon the same conditions as to tenure of office, salary, &c., as if the Act had not passed. The mode in which the business is to be distributed among them is to be settled by Rules of Court, but subject to those they are to perform the same duties as if the Act had not passed. The

duties with respect to appeals from the Lancaster Court of Chancery now performed by the Clerk of the Council of the Duchy of Lancaster, are, however, to be performed by the officers by whom like duties are to be discharged in the Supreme Court. The position of the secretaries, clerks, and other officers of existing Judges, who become Judges of the Supreme Court are also to be unaltered, but power is given to the Lord Chancellor, with the consent of the Treasury, to increase the salary of existing officers whose duties are increased, or on the occurrence of a vacancy to abolish the office or alter its designation or duties, or to reduce the salary.

Judges of the High Court or ordinary Judges of the Court of Appeal appointed after the commencement of the Act, or not already having such officers, are to have the following officers, viz., the three Chiefs and the Master of the Rolls, a secretary, principal clerk, and junior clerk, and the others a principal clerk and a junior clerk. As regards the appointment of officers, the Lord Chancellor is to appoint all officers assigned to perform duties with respect to the Supreme Court generally, or attached to the High Court or Court of Appeal; the Master of the Rolls is to retain his existing patronage in the case of certain officers attached to the Chancery Division; other officers attached to any Division of the High Court are to be appointed by the President of that Division, and all officers attached to any Judge by the Judge to whom they are attached. The latter officers are to be removable by the Judge at pleasure, but other officers are to be removable by the person having the right of appointment, with the approval of the Chancellor, for reasons to be assigned in the order of removal. Patronage not otherwise provided for is to be exercised by the existing Judge to whose office it is incident, and after his death or removal from office as her Majesty by sign manual may direct. The salaries of officers appointed in pursuance of the Act are to be determined by the Treasury with the concurrence of the Chancellor, and such officers, except those attached to the person of a Judge, are to be deemed to be employed in the permanent civil service, and entitled upon the same terms as other permanent civil servants to pensions or compensation.

Solicitors, attorneys, and proctors of any Court, the jurisdiction of which is transferred to the High Court or the Court of Appeal, are to be deemed officers of the Supreme Court; are to be called solicitors of the Supreme Court, and are to be entitled to the same privileges, and subject to the same obligations, as if the Act had not passed. They are to be admitted by the Master of the Rolls, and the High Court and Court of Appeal respectively, or any Division or Judge thereof, may exercise the same jurisdiction in respect of them as any one of the Superior Courts might, before the passing of the Act, have exercised in respect of any solicitor or attorney admitted to practice therein. Any person at the commencement of the Act authorised to administer oaths in any of the Courts whose jurisdiction is transferred to the High Court is to be a commissioner to administer oaths in all causes and matters depending in the High Court or Court of Appeal. Such commissioners are to be appointed by the Chancellor.

There is to be attached to the Supreme Court a novel class of permanent officers, to be called official referees. The number and qualifications of these officers and the tenure of their office are to be settled by the Chancellor, with the concurrence of the Presidents of Divisions of the High Court, and with the sanction of the Treasury; and their salary is to be determined by the Treasury, with the concurrence of the Chancellor.

The High Court is constituted a Superior Court of Record, and is to have transferred to it all the original jurisdiction of the Court of Chancery (not including, however, the jurisdiction of the Chancellor or Lords Justices in relation to persons of unsound mind, or of the Chancellor in relation to the issue of letters patent, or commissions under the Great Seal, or on behalf of her

Majesty as visitor of any college, or other foundation, or of the Master of the Rolls in relation to records), and all the jurisdiction of the Courts of Queen's Bench, Common Pleas, Exchequer, Admiralty, Probate, Divorce and Matrimonial Causes, the London Court of Bankruptcy, the Courts of Common Pleas at Lancaster, of Pleas at Durham, and of the Courts created by Commissions of Assize, Oyer and Terminer and Gaol Delivery, or of the judges of such Courts respectively. Except as otherwise provided in the Act, the judges of the High Court are to have equal power and jurisdiction.

The Court of Appeal is also constituted a Superior Court of Record, and is to have transferred to it the appellate jurisdiction of the Lord Chancellor and the Lords Justices as a Court of Appeal in Chancery; of the same Court as a Court of Appeal in Bankruptcy; of the Court of Appeal in Chancery of the County Palatine of Lancaster, of the Court of the Lord Warden of the Stannaries, of the Exchequer Chamber, and the jurisdiction of her Majesty in Council, or of the Judicial Committee upon appeals from the Admiralty Court, or from orders in lunacy. Provision is also made for transferring by Order in Council to the Court of Appeal the remaining jurisdiction of the Judicial Committee in Colonial and Ecclesiastical appeals. In hearing the latter cases the judges of the Court of Appeal are to be "assisted" by such assessors being archbishops or bishops of the Church of England as may be directed by rules to be made by Order in Council, with the advice of the judges of the Court of Appeal and the episcopal members of the Privy Council. These rules are also to state how many judges are to hear these appeals. It is to be presumed that the rules will also define the duties of the assessors, which the Act appears to leave wholly indefinite. Except as otherwise provided, all the judges of the Court of Appeal are to have equal power and jurisdiction. The Court of Appeal (subject to the provisions of the Act and of the rules to be made under the Act as to the terms upon which appeals are to be allowed) is to hear appeals from any judgment or order of the High Court, and for this purpose, or the purposes of any other authority expressly given by the Act, is invested with all the power and jurisdiction conferred by the Act on the High Court. No appeal is to lie to the House of Lords or Judicial Committee from any judgment of the High Court or Court of Appeal, nor from any judgment of the Lancaster Chancery Court subsequent to the commencement of the Act, but appeals pending at the commencement of the Act, or appeals from judgments before that date may be brought to the House of Lords or to her Majesty in Council, or to the Judicial Committee. After November 2, 1874, the jurisdictions transferred by the Act to the High Court and the Court of Appeal are to be exercised exclusively by those Courts; and all proceedings then pending in error or on appeal, or before the Court of Appeal in Chancery, are to be continued before the new Court of Appeal; and all other pending proceedings are to be continued before the High Court. It is left to these Courts to direct whether such proceedings shall be continued in the same manner as to procedure as they would have been continued in the Courts from which they have been transferred, or according to the ordinary course of the High Court and Court of Appeal respectively. In causes at the above mentioned time fully heard, judgment may be delivered, signed, or perfected, as if the Act had not passed; and any judgment perfected before that date may be executed and enforced, or amended or discharged by the High Court or Court of Appeal, as if it had been a judgment of such High Court or Court of Appeal.

At the Leeds County Court, on Monday, Mr. Joseph Gassett was fined 10s. by the judge, Mr. Marshall, for sending to him letters regarding a case in which he had appeared as plaintiff, and in which he had obtained what he considered was an improper verdict.

RECENT DECISIONS.

BANKRUPTCY.

RESTRAINT OF CHANCERY SUIT AS AGAINST A TRUSTEE IN BANKRUPTCY.

Ex parte Gordon, In re Dixon, L.J., 21 W. R. 690, L. R. 8 Ch. 555.

This is not the first case tending to repress the notion, still prevalent in some quarters, that wherever there is any question in which a trustee in bankruptcy is concerned, the proper forum is the Court of Bankruptcy and no other Court. The 72nd section of the Bankruptcy Act, 1869, is so wide in its terms that it is not surprising that this notion arose; but, at the same time, the limitation to its effect laid down in the observations of the Lords Justices in the present case seems so reasonable that it will be sufficient to state it in order that its propriety may become apparent.

A person files a bill in Chancery against two defendants, showing that he is entitled to and asking for the taking of an account against both of them. One of the defendants becomes a bankrupt, and his trustee is made a party to the suit. Ought the Court of Bankruptcy to restrain the prosecution of the suit as against the trustee? Both the Lords Justices intimate their opinion that in such a case the suit ought to be allowed to proceed. To restrain the suit as against the trustee would be to cause the same account to be taken in two Courts—a thing plainly not to be thought of.

The actual case before the Court of Appeal was, in all its important respects, similar to the case we have put, with this difference, that all the defendants beneficially interested became bankrupts. In such a case the Court of Bankruptcy would restrain the prosecution of the suit, for the whole question would be the amounts to be proved for in the several bankruptcies of the defendants—a matter coming entirely within the province of the Court of Bankruptcy.

TIME OF FILING DECLARATION OF INSOLVENCY.

Ransford v. Maule, C.P., 21 W. R. 740.

This case decides that a declaration of insolvency is filed within section 6 of the Bankruptcy Act, 1869, when it is delivered "by a properly authorised person to the proper officer at the proper office, with intent that he should put it on the file." This decision seems to be entirely in conformity with that pronounced by the Lords Justices in the case of *Ex parte Atkinson*, referred to ante p. 644.

NOTES.

An extradition treaty with Norway and Sweden has been signed and comes into force on the 17th inst. The list of crimes for which extradition can be demanded comprises murder, manslaughter, coining or uttering, forging or uttering, embezzlement, obtaining money or goods by false pretences (in the last case, however, as regards Norway, an exception is made if there are no "aggravating circumstances"), bankruptcy offences, fraud by a banker, banker, agent, factor, trustee, or director, or member or public officer of any company, if made criminal by any law; rape, abduction, child stealing, burglary, arson, robbery with violence, threats with intent to extort (a similar exception to that above mentioned as regards Norway); sinking or destroying a ship at sea or attempting so to do; assaults on shipboard on the high sea, revolt or conspiracy to revolt on shipboard on the high sea (a similar exception to that above mentioned as regards Norway); and participation in any of the above crimes where it is punishable by the laws of both countries. It is provided that all articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to has ordered delivery thereof, be given up, and that delivery is to extend not merely to the stolen

articles, but to everything that may serve as a proof of the crime. The country applied to is to convey the offender to any indicated port, paying the expenses within its own frontiers.

The Irish correspondent of the *Times* notices a singular conflict of authority between a coroner and the Dublin police. A blacksmith named Reardon was arrested by the police and brought before the magistrates, who remanded him, on a charge of causing the death of a young woman by throwing her into the Liffey. At the coroner's inquest the police authorities refused to direct that the prisoner should be in attendance, and the coroner declined to proceed in his absence. An application was made on the prisoner's part for a *habeas corpus* to have him tendered for examination, and the law officers of the Crown opposed it on the ground that there were no special circumstances to call for the issue of the writ; there had been a usage in Dublin of obtaining a warrant from the magistrates for the attendance of a prisoner, but there was no legal authority for it. Counsel on behalf of Reardon contended that great injustice might be done if the inquest proceeded in his absence, because the result might be a finding of "wilful murder," upon which he could be indicted. Mr. Justice Fitzgerald held that the applicant was entitled to be present at the inquest, in order to give evidence or put such questions on cross-examination as might tend to exonerate him, and that it would not be right to have evidence given behind his back upon which he might be indicted. He therefore granted the writ, subject to the filing of a proper affidavit setting forth that the attendance at the inquest was necessary.

We asked last week whether something could not be done to improve the marginal notes to Statutes. The London correspondent of the *Manchester Guardian* thinks that something might be done to amend the way in which blue-books issued by the House of Commons are brought before the public. "I have before me," he remarks, "the report of the Select Committee, which took evidence last session upon the intricate question of the boundaries of parishes, poor-law unions, and counties. It is a volume full of apparently very interesting matter, extending over 250 folio pages, or thereabouts, without a single line of index to that mass of detail. When a select committee is appointed, I am told, the speaker assigns to one of the young gentlemen who constitute his staff of ordinary clerks the duty for the nonce of 'committee clerk.' Judging from what outsiders can discover, the labours of a committee clerk are of the lightest. He attends in the room when the evidence is taken, and that is rarely oftener than twice or thrice weekly during the session, if the committee's inquiries should continue so long. He has to take notes; that is done by the shorthand writer. He mends a pencil now and then, arranges his papers—for he usually has that symbol of official duty before him, a portfolio,—and answers a stray question or two put to him *sotto voce* by the incoming or outgoing members of the committee. Now, why," he asks, "cannot these clerks be utilised and required to prepare a workable index for the evidence taken before select committees, so that both may be published together?"

The state of the building in which the Manchester County Court is held has long been a subject of well-founded complaint, and has been designated by the judge as "simply scandalous." So long ago as 1867 a memorial on the subject was presented to the Treasury, praying that the court might be placed in a more central and accessible situation. The usual reply was received that the matter was "under their Lordships' consideration." Again in March, 1868, a similar application was addressed to the Lord Chancellor, and in July last to the First Commissioner of Works, with no better result. The directors of the Chamber of Commerce have addressed to Mr. Adam a new memorial, in which, after setting out these facts, they say:—"After five years patient and abiding appeal, your memorialists are justified in complaining that the subject has not advanced beyond the stage of 'consideration,' whilst in the meantime the court accommodation is a ground of daily complaint, and, as may be shown by the

following facts, exists as a notorious public disgrace:—That for bankruptcy business there is one room set apart less than 10ft. square, which narrow space is the sole accommodation for barristers, solicitors, and others, who are called upon to attend the court. In this room it is barely possible to conduct one examination at a time; but the examinations of several bankrupts and others have of necessity to be taken at each sitting of the court; yet it is quite impossible to take more than two at a time in so small a room, and, as a consequence, expensive adjournments are made to the great loss of creditors, and the delay, if not absolutely the defeat, of justice. That, in consequence, solicitors have been compelled to take examinations in an attic of the court; and on one occasion, the attic being already engaged, the cellar was offered by the officials to a solicitor for this purpose, but which he, with a proper respect for his profession, felt compelled to decline to use."

We came with much interest upon the unusual heading "Monthly Nurses" in the columns of a legal contemporary last week. This is a branch of law which has not been properly investigated, and our contemporary's correspondent points out a grievance which it is to be feared has escaped the attention of the Legislature. Shortly stated, the facts of the case are these:—A "very respectable monthly nurse" was applied to with reference to an event expected to take place in April last, and was requested to hold herself in readiness during that month. "She did so during that month and also during about half or more of May," but the expected event did not occur, and as the nurse had another engagement requiring her attention, she told her client that she must no longer depend on her services. Afterwards, it appears, she sued for compensation for "holding herself in readiness," but on the case being opened the judge remarked that as no service was proved there was no case. How long, asks the correspondent, is a monthly nurse to remain doing nothing, waiting for the event? Suppose, he suggests, there is really no foundation for the supposition that the event will occur at all? We cannot profess to answer these questions, but we hope that Mr. Charley, who has the legislation relating to infants in charge, will kindly turn his attention to this matter, and have a Bill passed to satisfy the just requirements of the "very respectable monthly nurses," to whose grievances our contemporary has opened his columns.

REVIEWS.

Wharton and Stille's Medical Jurisprudence. Third edition. Three vols. Philadelphia: Kay & Brother. London: Stevens & Haynes.

This work is composed of a series of treatises by different authors on the various branches of the subject. They are all characterised by fulness and clearness of statement, but the most elaborate is that on mental unsoundness by Dr. Wharton, which occupies the whole of the first volume, and, as we gather from the preface, has been substantially re-written since the last edition. The learned author commences by considering the degree of mental unsoundness which invalidates a contract or will. Upon the latter branch of the subject he discusses at considerable length the question of the effect of delusions on testamentary capacity, and, after referring to the well-known doctrines laid down by Lord Ponsonby in *Smith v. Todd* (15 W. R. 562, L. R. 1 P. & D. 398), and by the Queen's Bench in *Banks v. Goodfellow* (L. R. 5 Q. B. 549, 18 W. R. C. L. Dig. 101), he comes to the conclusion that mental unsoundness exhibiting itself in insane delusions collateral to the subject-matter of the will does not, *per se*, destroy testamentary capacity. "They would destroy any will made under their influence. They cannot be regarded as diseases of special organs exclusively, but are the results of mental disease as an entirety. But they may, nevertheless, exist in a mind which has sufficient intelligence to be invested with testamentary power in respect to all subjects except those on which such delusions usually operate." After considering what is to be proved in order to deprive a person of the management of his estate, the author next

proceeds to the question of what avoids responsibility for crime, as to which he points out anew the fact which the doctors so absurdly refuse to recognise, that the question in criminal issues is, not insanity, but irresponsibility. While admitting the force of the considerations which may be urged in favour of the exclusive use of the "right and wrong" test of liability to punishment, the author re-asserts the doctrine maintained in former editions of his work, that this test does not cover all the cases of legitimate irresponsibility. He maintains that this defence is sustained when either (1) there is an insane delusion from which the crime emanates, or (2) where, being insane, the defendant is forced to the act by an irresistible impulse; he, in each case, knowing the act to be forbidden by the laws of the land. In two long sections the author urges with much ingenuity the reasons in favour of these views, but we cannot say that the tests of sanity he proposes to apply in cases of delusion strike us either as very conclusive or very easily applicable. It appears that the forms of defence for which Dr. Wharton contends are rejected by the courts of a majority of the American States, and in our own country, as Byles, J., said in *Watson's case*, the rule as to the use of the "right and wrong" test is certainly too firmly settled to be altered except by act of Parliament.

In the second chapter of this volume Dr. Wharton treats of mental unsoundness considered psychologically; the third is devoted to the treatment of insane criminals; and the fourth relates to physical indications of crime. These chapters contain full and interesting discussions of the important questions to which they relate. Of the medical matters referred to in the succeeding volumes we cannot pretend to speak, but the treatises on them may, at any rate, be commended as very intelligible and very full of detail. So far as we can judge, the work constitutes a most complete and valuable encyclopædia of medical jurisprudence.

GENERAL CORRESPONDENCE.

PROLIXITY IN CIVIL PROCEDURE.

Sir,—The inauguration of a new system of Judicature affords an opportunity of reform in reducing expense, expediting proceedings, and discouraging unnecessary length in documents; and the object of this communication is to endeavour to point out a means of doing this. It is not within the scope of the present inquiry to discuss whether the County Courts are really so cheap in their action as is supposed, but it may in passing be remarked that not only is there a considerable opening for reduction of the expense of litigation in the Superior Courts, but the County Courts are in some things quite as unsatisfactory as to expense as the Superior Courts.

Anyone who has had the misfortune to have the conduct of an Equity suit in the County Court will have found that the costs are pretty nearly as heavy as they would have been if the suit had been in a Superior Court, the chief difference being that a very much smaller portion of the expenses has gone to the practitioner whilst a very much larger portion of them has been paid in fees.

The present evils of costs, prolixity, and delay are so much mixed up with one another that it is impossible to deal with one without the others.

1st. As to prolixity.—It is self-evident that under the present system of charges, the practitioner being paid according to the length of documents, there is a direct incentive to prolixity. I do not mean to say, and I am far from believing it to be the case, that attorneys and solicitors are in the habit of unnecessarily lengthening documents for the purpose of obtaining increased charges, but whilst there is as it said to the credit of the profession) an abstinence from this, there is no inducement to shorten documents. I have heard a learned judge say that he never had time to write short letters; and there is great truth in this. A practitioner drawing an affidavit or drawing a brief under the present system is not likely laboriously to revise and condense it, in fact if he does so he occupies much valuable time and loses money by the process; and it is hardly to be expected that he can do this. The experiment of compressing everything into the smallest possible compass, and avoiding all unnecessary applications for time, &c.,

was tried a short time since in an action against a railway company for damages for negligence, whereby a passenger was injured. The result was a verdict of £750 damages. There were ten witnesses, and for a period of about six months various sums were disbursed by the plaintiff's attorney, amongst others the following:—

	£	s.	d.
Counsel's fees.....	67	19	6
Witnesses' fees	95	19	4
Stamp on counsel's fees and petty disbursements	13	1	5
Shorthand writer's fees.....	2	2	0
Paid Special Jury	12	12	0
	£191	14	3

Plaintiff's attorney's charges, exclusive of disbursements, came, as between attorney and client, to..... 73 10 0

Anyone who is acquainted with litigious proceedings will see at once from the above figures that the plaintiff's attorney made a loss on the whole transaction, because he had to pay clerks, &c., out of his £73 10s., to say nothing of his own time. It may be guessed how much of this was taken up as the cause was a special jury case, which lasted nearly the whole of two days. A similar experiment was recently tried in a Chancery suit which lasted from January, 1870, to November, 1872, but the costs were not completely taxed until early in the present year; so the suit lasted three years. The hearing took three days before the Court of First Instance, and four days on appeal. The fees on the brief were, to two counsel in the lower court, the senior seventy-five guineas, the junior fifty guineas; and in the Court of Appeal, the senior counsel one hundred guineas, and the junior seventy-five guineas. The costs of the party who quixotically tried to keep down the length of his documents and expenses of interlocutory proceedings were taxed as between party and party at less than £800. The actual outlay for disbursements (not including clerks or stationer's charges, office rent, &c., &c.) amounted to £591 15s. 11d., leaving a balance of rather over £200; but this latter sum had to be charged with interest on disbursements, stationer's charges, office rent, &c., before one farthing was cleared by the solicitor for trouble and labour, the amount of which may be imagined, as the fact was that it was a very heavy suit. Most of the evidence had to be got from abroad, and I think I may fairly say, that the total amount cleared did not exceed £100.

Therefore, without imputing to anyone the drawing of documents of unnecessary length or the taking of interlocutory proceedings for the purpose of making costs, the profession must find that it is impossible to carry on business if remuneration is limited to the really necessary charges. Counsel have a temptation before them to introduce unnecessary matter into pleadings, &c., for there really is no object in going to the exertion of reducing them. Then again, what enormous unnecessary expense is incurred by our present mode of framing interrogatories and answers. Not only is the form of the interrogatories cumbersome in the extreme, but what necessity is there for going over the admitted facts in a case, as is commonly done, or answering as to matters not denied?

I will discuss "delay" and "expense" on another occasion.

E. F. BUTTMEER HARSTON.

37, Gresham-street, E.C., Oct. 7.

THE ACT FOR THE RELIEF OF WIDOWS AND CHILDREN OF INTESTATES.

Sir,—Will any of your readers give me an opinion as to whether the Act passed last session, 36 & 37 Vict. c. 52, entitled "An Act for the Relief of Widows and Children of Intestates where the Personal Estate is of small value" is retrospective in its effect, i.e., does it apply to the effects of intestates who died before the passing of the Act, or is it limited in its operation to the effects of intestates dying after the 28th July, 1873 (date of the Act). The Registrar of the Court of Probate in my district is of opinion that the Act is retrospective. I hold a different opinion.

Oct. 8.

A. B. C.

COURTS.

BANKRUPTCY.

(Before Mr. Registrar SPRING-RICE, sitting as Chief Judge.)

Aug. 12.—*Ex parte Joscelyne, Re Powis.*

P. being indebted to J. in £3,000 and upwards, handed to M. on behalf of J. the fire policy upon his premises, with a letter addressed to the office requesting the payment to J. of the then ascertained loss under such policy, but no notice was given to the office of the existence of the letter, and P. afterwards, without any communication with J., received the proceeds of the policy.

J. thereupon presented a petition for adjudication against P. based upon a debtor's summons, and upon J.'s application a receiver was appointed to take possession of P.'s property. An arrangement was then made for payment by P. of J.'s debt partly in money and partly in promissory notes, and the petition was dismissed, but another creditor filed a second petition under which an adjudication was made.

Held, that the trustee under P.'s bankruptcy was entitled to recover from J. the amount which he had received.

Held, also, that a receiver has no right to part with, or allow the bankrupt to part with, any property of which he ought to take possession except on the authority of the Court.

This was an application on behalf of the trustee for an order declaring that the payment to the respondent G. H. Jay by the bankrupt or one J. B. Ball of a sum of £1,050 on the 15th of October last was a fraudulent transfer, and that it was made at a time when the respondent had notice of an act of bankruptcy, and when the bankrupt was unable to pay his debts, and to give the respondent a fraudulent preference, and for an order for payment of the said sum to the receiver.

In June, 1872, the bankrupt was indebted to Mr. Jay in a sum of £3,000 and upwards, for which Jay had endeavoured to obtain security, but without success. Shortly after June, 1872, the premises of the bankrupt were burnt down, and the bankrupt handed to one Miller, who was liable as drawer on certain acceptances of the bankrupt for and on behalf of Jay, the fire policy on such premises, and at the same time he gave Jay a letter addressed to the office which was in the following terms:—

"Gentlemen,—Please pay the amount due to me for ascertained loss under my policy in your office No. 217,540 for £10,000 to G. H. Jay, Esq., of 17, Old Broad-street."

(Signed) HENRY POWIS.

No notice of that charge was given to the office, as Jay alleged, at the bankrupt's earnest request, but the bankrupt stated that the charge was to be acted on only in case of his death.

On the 26th September, 1872, the bankrupt without any previous communication with Jay received the proceeds of the policy.

In the meantime—on the 27th August, 1872—Jay commenced proceedings in bankruptcy by sending a demand for payment, and eventually, learning that the policy money had been received by the debtor, he gave directions to apply for a debtor's summons, which was accordingly issued on the 3rd October.

The debtor did not deny the debt, and on the 12th October a petition in bankruptcy was presented—the act of bankruptcy being the service of the debtor's summons and the failure to pay, secure, or compound the sum claimed therein. On the same day a receiver was appointed on the application of the petitioning creditor, supported by an affidavit stating the receipt of the money under the policy, and that it was desirable, in the interest of the creditors, that a receiver should be appointed to take possession of the assets pending the hearing of the petition, and for the purpose of receiving such moneys as might from time to time come in, and holding the same for the creditors. It was also stated that the debtor was being sued by other creditors, and that, in one of the actions, the creditor would be in a position to sign judgment and issue execution in the course of a day or two.

At this time negotiations were entered into between the debtor and Mr. Jay for the discharge of his debt and eventually, on the 15th October, payment of the £1,050, the subject of the present motion, was made, when, upon bills being given to Jay for the balance of his debt, the

petitioning creditor consented to have his petition dismissed. Subsequently a petition was presented by another creditor, on which Powis was adjudicated bankrupt. Upon the facts coming to the knowledge of other creditors, a motion was made for the receiver's removal. That motion came on in October, 1872, and eventually by consent stood over generally, the money paid to the petitioning creditor, and other moneys, being transferred into the joint names of the receiver and the present trustee.

De Gex, Q.C., and F. Knight, in support of the application.

Winslow, for the respondent.

The course of the arguments will sufficiently appear from the judgment.

Cur. adv. vult.

SPRING-RICE, Registrar.—The payment in this case was undoubtedly made by or on behalf of the debtor, and the receiver, if not actively engaged in procuring the payment, was certainly a party to it, and as I stated in the course of the argument, I consider that in so conducting himself he did not properly discharge his duties as an officer of the Court. A receiver has no right to part with or allow the bankrupt to part with any property of which he ought to take possession except on the authority of the Court, and I am not at all surprised at the course taken by the creditors on the facts coming to their knowledge. It was argued for the respondent that the money coming as alleged into the bankrupt's possession in fraud of the true owner did not form a portion of the bankrupt's estate. I do not think, however, that where a creditor lies by in realising the proceeds of his security (assuming the letter I have alluded to to have been such security), from any cause such as bad faith on the part of the bankrupt, that if such proceeds are realised by the bankrupt before any proceedings in bankruptcy are taken against him, and are in his possession at the time of the institution of such proceedings, then that the rights of the individual creditors are to prevail against the general body of creditors; certainly they ought not to do so, where, as in this case, there is no satisfactory evidence to show that such proceeds were ear-marked. But I do not consider the letter to the office a security; it could only have become so on notice given to the insurance office, which was never given, and it is worthy of remark that Mr. Jay's petition contains no allusion to any security except the lease upon which he sets a value. Being of opinion, however, that there was no security, I do not think it necessary to deal with Mr. De Gex's arguments founded on this omission, supposing Mr. Jay to have been of opinion that it was a security at the time when he presented his petition. The recently decided case of *Ex parte Caldwell, In re Currie*, 20 W. R. 363, shows that the title to the proceeds of a policy must be completed by notice to the office before the bankruptcy to take them out of the order and disposition of the bankrupt. But the second argument advanced in support of the respondent's right to hold the money was the more general one, that under the recent statute there was not only no express enactment as under the previous statutes to prevent a petitioning creditor receiving the amount of his debt before an adjudication on his petition, but that the whole policy of the act was to substitute for the procedure by way of *ca. sa. writ*, thereafter abolished a remedy by means of which an individual creditor could obtain payment of his debt. Now I confess that I do not accede to the view thus presented as to the general policy of the Act. The general policy of every Bankruptcy Act must be taken to be the equal distribution of the assets, and I cannot discover in this Act an intention to give more exclusive remedies on a petition to the petitioning creditor than there was under the old law in regard to striking a docket. As Lord Thurlow says in *Ex parte Thompson*, 1 Ves. Jun. 157, it is a remedy to which the petitioning creditor is entitled, but which he must impart to all the other creditors. Under the thirteenth section of the Bankruptcy Act, 1869, on the filing of a petition at any hour an injunction may issue to restrain other creditors and a receiver be appointed. Under this section, upon which the Court daily acts, creditors are restrained from exercising their remedies other than those under the proceedings in bankruptcy; and the Court early decided that such a strong interference with their rights should not take place unless a receiver was or had been appointed, thereby taking the property out of the control of the debtor and the petitioning creditor, and securing it in the hands of its own officer for equal distribution among the creditors. This was the more

necessary as under the rules, although another creditor might present a petition, he could not proceed on it, except where delay would be avoided, until after the hearing of the first petition. It was argued that from the provisions of the 9th section an intention on the part of the Legislature to authorise arrangements such as this with the petitioning creditors might be inferred. Now whether, as Mr. Knight argued, it was intended that the stay of proceedings under his section should only take place where the debtor had not had the opportunity afforded by a debtor's summons of denying the debt and putting the matter in course of trial, it is not necessary for the arguments to decide. But the stay of proceedings authorised by this section is not necessarily to be upon payment out of the assets of the debtor of the debt which may be established against him—but upon such security, if any, being given as the Court may require for its payment. The 43rd Gen. Rule provides for the course to be pursued after trial of the question of the validity of the debt, and a decision in favour of such validity being come to, the petitioning creditor is to be entitled to apply for a day to proceed on his petition. Of course, if the validity of the debt were ascertained at law, and security had been required, and the debt paid under such security, then the petition could not proceed. But surely there is a very marked distinction between this proceeding and one where there is no denial of the debt. In the one case there is, without prejudice to other creditors' rights, a stay of proceedings; and, if the Court thinks fit, on security given, the trial of a claim the amount of which is either wholly or in part disputed. In the other there is a payment out of the assets of the debtor of an admitted debt, and the petition consequently dismissed. What would be the effect of an order under the 13th section in the event of an order for adjudication being made under a second petition during the stay of proceedings under the first, as far as the rights of the trustee under the second petition are concerned, has, as far as I know, not as yet been decided. See what a door for fraud would be opened if the respondent's arguments be well founded. A debtor has only to agree to a friendly creditor (or it may be several friendly creditors) presenting a petition and get a receiver under it, and an order restraining all other creditors in the meanwhile, and before the hearing of the petition he may hand over to the petitioning creditor or creditors the whole amount of their debts, exhausting, it may be, the whole of the assets. I cannot think this could have been the intention of the Legislature. As I read the Act the assets are to be kept together until adjudication, when the rights of all the creditors, including the petitioning creditor, are to be ascertained under it. I cannot accede to the argument against the title of the trustee founded on the 11th section as to the act of bankruptcy to which the title of the trustee was to relate back. Mr. Winslow argued that the act of bankruptcy in this section must be an act of bankruptcy available for adjudication for creditors generally; that the act of bankruptcy on a debtor's summons was available only for the creditor serving the summons, and in support of his view he quoted the remark of Mellish, L.J., in *Ex parte Wier*, 19 W R. 1042, L. R. 7 Ch. 319—"When the debt is paid, the act of bankruptcy committed at the expiration of the time mentioned in the debtor's summons ceases to be an act of bankruptcy on which the debtor can be adjudicated a bankrupt, and we think it at the same time ceases to be an act of bankruptcy to which the title of the trustee can relate back under the 11th section." Now it was no way necessary to the decision in that case to decide the point; but supposing it to be so decided, such a decision can have no application to the present case, where the payment was made after the act of bankruptcy was complete and upon which a petition for adjudication had actually been presented. In like manner the case of *Pennell v. Rhodes*, 9 Q. B. 114, which Mr. Winslow referred to, seems to me to have no application, because in that case it was held that there was really no act of bankruptcy at the time nor was there any act of bankruptcy at the time of payment in *Ex parte Wier* (*ubi sup.*). According to my view of the 11th section, the title of the trustee must relate back to the first act of bankruptcy within the time specified, whether available for one creditor or for creditors generally. In this case that act of bankruptcy was the one on which Mr. Jay presented his petition. On the whole case, therefore, I think the respondent has failed to show a right to retain this money as against the trustee, in this bankruptcy. I

agree with the arguments for the trustee that although penalties were under former Acts of Parliament attached to such payments, yet that it was on grounds independent of such statutes, and on general policy that they were frequently set aside. I can discover no ground to infer from the Act of 1869 that the Legislature intended to depart from this policy and to render them good. I shall, therefore, declare that the payment to Mr. Jay on the 15th of October last was a fraudulent preference, and void against the trustee within the meaning of the 92nd section of the Act of 1869.

Solicitors for the trustee, *Widd, Barber, & Browne*.

Solicitors for Mr. Jay, *Lewis, Munns, & Co.*

COUNTY COURTS.

LIVERPOOL.

(Before Mr. PERRONET THOMPSON, Judge.)

Oct. 1.—*In re Rosina Thompson.*

Married woman—Bankruptcy.

This was a petition for adjudication of bankruptcy against a married woman. She was the plaintiff in an action against Mr. Abrahams, of Lime-street, Liverpool, tried at the last assizes and compromised for £1,100. She was married in November last, but previous to that period and during her widowhood she had contracted debts, for one of which she was now sought to be made bankrupt.

Labron Johnson appeared for the petitioning creditor.

His HONOUR, after hearing the evidence, held that as, under the Married Women's Property Act, 1870, the debtor could be sued as a *separate sole*, she could also be made bankrupt. He accordingly adjudicated her bankrupt.

[See *Re Phillips*, ante p. 385.]

SOCIETIES AND INSTITUTIONS.

METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

We are glad to learn that the arrangements for the approaching meeting of this society, to be held at Birmingham, commencing on the 21st inst., are progressing satisfactorily. The following deputations have already been appointed to attend it, viz. :—

From the Law Societies of

Newcastle-on-Tyne—Messrs. Dees, Hodge, Gibson, and Watson.

Kent—Messrs. J. Case and H. T. Sankey.

Liverpool—Messrs. J. Atkinson, J. H. Kenion, E. W. Bird, J. H. Cleaver, and T. E. Paget.

Bristol—Messrs. J. Miller and H. F. Lawes.

Worcester—Messrs. Southall, Hyde, Hughes, and Martin Curtler.

Yorkshire—Messrs. G. England of Howden, T. Hawdon of Selby, J. Holtby and W. Walker, of York.

Leeds—T. Marshall and others.

Gloucestershire—Messrs. Geo. Whitcombe and John W. Barrup, of Gloucester, L. W. Winterbotham, of Stroud, and R. Elliot, of Cirencester.

Sunderland—Messrs. A. R. Gales and S. Alcock, Jun.

Northern Circuit Division of the Metropolitan and Provincial Law Association—Messrs. Payne, of Liverpool, Dees, of Newcastle-on-Tyne, and Cobbett and Janion, of Manchester.

A Deputation is also expected, though not yet nominated, from the Manchester Law Association.

The following papers are promised :—

"On the Education of Attorneys." By W. E. Shirley, of Doncaster.

"On the Organisation of the Profession." By T. Marshall, of Leeds.

"Land Titles, and Transfer: Lord Selborne's Bill." By G. J. Johnson, of Birmingham.

"On Registration of Assurances." By J. Murray, of Whitehall Place, London.

"Suggestions for the Revival of the Inns of Chancery." By R. W. Griffith, of Cardiff.

"Legislative Results of the last Session." By Philip Rickman, the Secretary.

SOCIAL SCIENCE CONGRESS.

THE MODE OF FRAMING AND PASSING ACTS OF PARLIAMENT.

Mr. T. E. Holland read a paper upon this subject. He stated that legislation, as an artificial process, and therefore unaccompanied by the natural symmetry which characterises law made by judicial decision upon actual cases, needs the guidance of knowledge of two kinds—*material*, i.e., as to the scope and policy of the law, with which Parliament is fairly provided; and *formal*, i.e., as to the right mode of its expression, of which knowledge Parliament is wholly destitute. Mr. Holland proceeded to lay down three canons of draftsmanship, to the neglect of which he ascribed those faults which are ridiculed by Lord Salisbury, and which are so great a hindrance to the administration of justice. (1.) That the language of a statute should be concise, and its terminology consistent. He condemned the indiscriminate resort to "interpretation clauses," which often causes half an Act to be occupied with a sort of slang dictionary. (2.) That its arrangement should be logical. That the parts should have their due relation to the whole, and the whole its due relation to the rest of the law. He accused the existing style of drafting of being guided solely by a haphazard association of ideas. (3.) That subjects should be grouped according to their juristic affinities. Instead of which, rules of civil and criminal law of temporary and of permanent operation are now jumbled together in consecutive paragraphs. To obviate this, all public general bills (for to them alone would the operation of the three canons extend) should be framed in accordance with a formula, which would indicate an invariable order in which the great classes of topics should succeed one another, not only with a view to immediate perspicuity, but also with a view to the ease with which each "Part" of an Act might be detached from the rest, and be newly-combined for the purpose of any subsequent consolidation or codification. The three canons would respectively demand on the part of the draftsman the qualities of a special pleader, of a logician, and of a jurist. To secure conformity to them Parliament, while retaining its absolute power of deciding what the law is to be (*its matter*), must delegate some control over the way in which the law is arranged and expressed (*its form*) to specially-qualified persons, without whose certificate of its being properly constructed no public general bill should be read a first time. Mr. Holland then gave reasons for believing that Parliament could be induced to make this delegation of power, but only on the terms that the clearest possible line of demarcation should be drawn between changes in the law itself and changes in the mode of its expression. To transgressions of this line he attributed the mis-trust of consolidation bills; and he would accordingly take care that no new law should ever be inserted in a consolidation bill. Mr. Holland then proceeded to the second branch of the question under discussion, which has reference to the *passing* of Acts of Parliament, and this he treated as entirely a question of *friction*. Given the ideally best style of drafting, can bills thus drawn as a matter of fact be passed? He explained that the problem was minimised by making his canons applicable only to public general Acts, and that the clauses of a bill need not be debated in the order in which, in accordance with logic, they should be printed, and should ultimately stand in the Statute-book. In conclusion, he recommended that more information should be obtained as to the mechanism of legislation in other countries, and a beginning should at once be made upon the work of consolidation on a large scale, which would render possible a very improved style of drafting in the future.

AN INTERNATIONAL CODE.

Mr. David Dudley Field read a long paper on this subject. After referring to the provisions of his draft Code (fully discussed *ante* pp. 589, 610) he spoke as follows of the part of the Code which contains provisions intended for the preservation of peace. They would require, first, that there should be a simultaneous reduction of the enormous armaments which now weigh upon Europe; secondly, that if any disagreement or cause of complaint should arise between nations, the one aggrieved should give formal notice to the other, specifying in detail the causes of complaint and the redress sought, and that this complaint should be formally answered within a certain period. If such a course had been pursued by France and Germany before the fatal declaration of July, 1870, we should probably

have been spared the last Franco-German war. A provision somewhat similar has already been inserted in the Treaties of the United States with Portugal, Bolivia, Guatemala, Peru, St. Salvador, and New Granada. Thirdly, it is provided that when the parties do not otherwise agree, they shall appoint five members of a joint High Commission, who shall meet, discuss the differences, and endeavour to reconcile them. If the reconciliation thus sought fail nevertheless, a high tribunal of arbitration is to be appointed in this manner—each nation joining in the Code transmitting to the parties in difference the names of four persons, and from the list of these the parties concerned alternatively striking off one after another until the number is reduced to seven, which seven is to constitute the tribunal. Is there anything chimerical or impracticable in this? Let me refer you to the last great arbitration at Geneva for an answer to that question. Let me go further back and refer to the history of the American Confederation. We began with arbitration. When the independence of the Colonies was declared, they formed articles of Confederation, one feature of which was that disputes between the States should be decided by Commissioners selected by the disputants; or, if they failed to select them, by Commissioners chosen in this way—three to be named by Congress from each State; each disputant to be at liberty to strike off alternately one name till the number was reduced to thirteen; from which thirteen not more than nine nor less than seven, as Congress might direct, were to be chosen by lot to constitute the Commission. A more perfect system was afterwards established under the present Constitution, which created the Supreme Court as the ultimate arbitrator between contending States. Controversies between the States have already been adjudged by this Court. One between Rhode Island and Massachusetts, one between Iowa and Mississippi, in which the Court fixed the boundary between them, and enjoined each state from exercising jurisdiction beyond it. A suit was begun by New Jersey against New York respecting the boundary along the Hudson, which was finally compromised by the agreement of 1833, entered into between the two states, with the sanction of Congress. Suits have been brought by New York against Connecticut; by Alabama and Florida, each against Georgia, and between Maryland and Virginia, and between New Jersey and Delaware. Why could not the plan of arbitration extend to Europe? This continent contains 18 independent states, counting the little communities of San Marino, Monaco, and Andorra; and considering Sweden and Norway as one, and Germany as united, wanting only the Austrian Province. Ten only of these States exceed in wealth and population the richest and most populous States of the American Union. These ten are—the United Kingdom of Great Britain and Ireland, France, Germany, Russia in Europe, Austria, Italy, Spain, Turkey in Europe, Sweden, with Norway, and Belgium. The five States of Holland, Portugal, Switzerland, Denmark, and Greece are each less in population than New York. Even Belgium has only 400,000 more, and Sweden and Norway together have only about a million more than New York. There can hardly be a sufficient reason why Holland, Portugal, Switzerland, Denmark, and Greece should not submit their differences to arbitration or to a supreme court, as well as New York and Pennsylvania. And if these five European States should be made to do so, why not France and Germany? The only reason, if reason there be, is that France and Germany are more powerful; that they would not consent to compromise in any respect their freedom of action, and that in case of refusal they could not be coerced. To this it may be answered that the rights of France and Germany are not more sacred than those of Switzerland and Portugal; that the constraint upon their independence and freedom of action, by a voluntary compact to submit their differences to arbitration or judgment, is not more derogatory to their true honour, and is not more dangerous to their independence and freedom of action than to a smaller State. Of the two, if there be any difference in that respect, the weaker State is in greater danger than the stronger. The Americans are confident that their constitution is strong enough to control their largest States, with all the population and resources of which their magnificent future gives them the promise. Measuring the future by the past, the next half

century will see some of the States as powerful as the largest European States; and unless it be supposed that the American is more patient of control, and more obedient to law than his European brother, it should seem to be no harder a problem how to bring European States to submit their differences to the arbitrament of reason and law, than it is how to make American States do the same thing. I do not mean to say, he continued, that every claim which one nation may make upon another should be submitted to arbitration. There may be claims which no self-respecting nation would submit to any arbitrators, such as those which touch its equality or independence. To put one extreme case. Suppose Spain were said to claim the sovereignty of Holland, pretending that it had not been lost by Phillip II. or by any of his successors, I would not have Holland submit such a claim to the decision of any arbitrators or of any human power. It is not difficult, I think, to draw the line between questions which may not and those which may be submitted, and it is the latter only which fall within the category of disputable and referable questions according to my view of them.

OBITUARY.

MR. THOMAS KENNEDY.

We regret to have to record this week the death from pneumonia of Mr. Thomas Kennedy, solicitor, of Chancery-lane, in his 65th year, which event happened on the 27th ult. Mr Kennedy was admitted in 1831, and on his admission entered into partnership with Mr. Robert Maugham, the late secretary of the Incorporated Law Society, with whom he remained in partnership some years. Mr. Kennedy subsequently conducted an excellent practice alone for many years, until 1870, when he took into partnership a Mr. Kempson, and on the death of that gentleman, which happened last year, he was joined by Mr. Hughes, who was in partnership with him (under the firm of Kennedy and Hughes) at the time of his death. In addition to conducting a good practice, Mr. Kennedy, who was a man of untiring industry, always took a deep interest in all that concerned his profession. He was the author of "A Code of Chancery Practice," a work much in vogue among solicitors until superseded by the larger and more elaborate work of Messrs. Osborne Morgan and Horace Davey, and he was many years an active member of the Committees of Management of the Metropolitan and Provincial Law Association and of the Solicitor's Benevolent Association, and a director of the Law Association. He was respected by all who knew him for his ability and the kindness of his disposition.

COLONIAL TRIBUNALS & JURISPRUDENCE.

AUSTRALIA.

July 3.—*Re Charles Percival Purcell.*

Attorney—Acting as commissioner for taking affidavits after leaving district to which his commission was restricted.

This was a rule nisi calling on Mr. Purcell, an attorney of the court, to answer an affidavit. From the affidavit it appeared that a bill of sale was given by a person named Hogan to Thomas Hillary. The affidavit verifying the bill of sale was sworn at Ballarat before Mr. Purcell as a commissioner of the Supreme Court for taking affidavits. Subsequently, an execution was taken out by another person against Hogan, and then Hillary claimed the goods under his bill of sale. An objection was, however, made that the bill of sale was invalid, as the affidavit was not sworn before a commissioner of the court. Mr. Purcell was examined, and said that he was a commissioner, but had left the commission at Wood's Point. An examination of the records in the prothonotary's office, however, showed that in 1859 the Chief Justice appointed him a commissioner during his residence at or near Melbourne, and it was therefore held that his commission ceased since he left Melbourne. The result was that Hillary lost the benefit of his bill of sale. It was said that Mr. Purcell still kept over his office at Ballarat a sign that he was a commissioner for taking affidavits. In reply to these statements, Mr. Purcell denied

that he said he left his commission at Wood's Point. What he said was that he had lost it there; and so, in fact, he had. He supposed that he had read his commission when he got it; but he always believed that it was a general commission, and not limited to his residence at or near Melbourne. He had been appointed a commissioner in 1859, without any solicitation on his part. In 1865 he left Melbourne for Wood's Point, and subsequently removed to Ballarat. But during all that time he had no suspicion that his commission had been limited, otherwise he would have applied for a new commission at Wood's Point and at Ballarat. He first became aware of the limitation on the 29th October last, and he had not acted as a commissioner since that date. He wrote to the Chief Justice and the prothonotary asking for a renewed commission, but had got no answer, and he only kept up the sign pending the receipt of an answer.

Higinbotham appeared for Mr. Purcell; *Williams* for Hillary.

Higinbotham said he did not know in what capacity Mr. Purcell was brought before the Court. If he was brought as an attorney, he had certainly not acted in that character in this matter; and if it was as commissioner, he apprehended that the proper tribunal to deal with Mr. Purcell was the Chief Justice (by whom he had been appointed). But apart from that, Mr. Purcell had not been guilty of any misconduct. It was a natural mistake that he had fallen into, and it was quite sufficient punishment to him to have been compelled to come here and answer the charge. The Court would not compel him in this summary way to make good any loss Mr. Hillary had sustained. Whatever the loss was, it could be recovered by an action in the usual way.

Williams said that his client felt it his duty to bring the matter under the notice of the Court, and leave the Court to say what should be done. Although Mr. Purcell might not have acted as a commissioner since October last, he certainly had the sign over his office.

BARRY, J., said the only question appeared to be whether the respondent, who was an attorney of the court, could be reached as a commissioner. In the case of *Re Blake*, 30 L. J. Q. B. 32, 8 W. R. C. L. Dig. 6, the Lord Chief Justice said that an attorney was amenable to the jurisdiction of the Court, although the misconduct did not simply arise in a matter between attorney and client. Where an attorney was sworn to be guilty of any gross fraud (even although he was not acting as an attorney), the Court would not allow such fraud and dishonesty to be committed by any of its officers with impunity. The explanation given by Mr. Purcell showed that he had been guilty of great carelessness and remissness to say the least; but the Court was not disposed to visit it more severely than the applicant appeared to desire. He would, therefore, be directed to pay the costs of the rule, and give an immediate undertaking to have the sign taken down.

Higinbotham said the sign would be taken down.

Attorneys for the applicant, *Macgregor, Ramsey, & Brahe*, for *Hardy & Madden*.

Attorney for the respondent, *Baynes*.—*Australian Jurist*.

IMPRISONMENT FOR DEBT.

At the conclusion of the sitting at the Clitheroe County Court on the 1st ult. the judge, W. T. S. Daniel, Esq., Q.C., adverted to some orders which had been made for commitment to prison, not to be enforced before 27th November next, said: I may take this opportunity of adverting to a question which will probably attract some attention in the next session of Parliament, namely, the expediency of entirely abolishing imprisonment for debt in cases of this description. I certainly was very much surprised to see in a paper that is justly considered a leader of public opinion, a strange misapprehension that the county court possesses a jurisdiction over poor people to which rich people are not subject; and that debtors under £50 are liable to be imprisoned for debt, whereas debtors above £50 are subject to no such jurisdiction. The Act of Parliament is as plain as possible, and he who runs may read if he will take the trouble of putting the Act in his hand, and read whilst he is running. Judges of superior courts have exactly the same jurisdiction over debtors above £50 as judges of county courts have over debtors under £50, and the Act of Parliament makes no

distinction between rich and poor. If a man, in whatever station of life he is placed, is proved to owe a debt under £50, and has the means of paying but obstinately and dishonestly refuses to pay—whether he is a working man or a merchant prince—he can be sent to prison by a county court judge; and he would be sent to prison, I have no doubt, if such a case arose. There is no distinction in the Act of Parliament with reference to persons subject to the jurisdiction of a county court, nor is there any ground for the suggestion that debtors who owe more than £50 cannot be sent to prison. Judges of the superior courts exercise their jurisdiction in chambers, and the evidence is taken before them by affidavit. The jurisdiction of a county court is exercised in open court, by *visu voce* evidence, and I believe that mode of proceeding is far better calculated to ascertain the means of a debtor than an inquiry which takes place in a private room; certainly, as far as my experience goes, the jurisdiction is not exercised harshly upon any one, but, with due regard—at least I endeavour to make it so—to the means of the debtors. I have adopted a rule of 40 days' imprisonment, and it is a rule which is universally followed by the judges of the superior courts. When they make an order, they never make it shorter than the full term of the Act of Parliament; that is, six weeks. I have followed their example. I used to make the order only for 10 days, but for reasons which I have stated before, I found 10 days' imprisonment did not operate in the way in which the Act of Parliament intended it, namely, as a means of coercing a dishonest debtor, who has the means of paying, to pay; and, therefore, I tried 40 days. I have asked the high bailiffs of my different courts for the returns showing the effect of this imprisonment under the 40 day order upon debtors in my circuit between the 1st January and the 31st August of this year. In this court there have been 24 summonses issued, 24 served, 11 heard, and 5 orders made: one was not served in consequence of the debtor having absconded. There had been one arrest, and the debtor sent to prison, and he was imprisoned four days, and then he paid the debt which was £2 14s., as well as the costs, 7s. 9d. I am always careful not to make an order for imprisonment for small sums unless there are special circumstances, and I think the most rigid philanthropist will hardly complain of one man out of twenty-four who came under the jurisdiction being subjected to actual imprisonment, and who afterwards thinks better of it in four days and pays the debt and costs. As far as my experience goes the jurisdiction is a useful one, provided always care is taken by the Court that the order is not made in a case in which the Court is, not judicially satisfied that the debtor has or has had the means of paying. Of course if this jurisdiction is not exercised with due care a considerable amount of injustice may be done, and it is the duty of a judge so to exercise it that imprisonment under it may not be confounded with imprisonment for crime. Where imprisonment is imposed for a criminal offence that has been committed, the person convicted must serve out his term of imprisonment unless he should be released by prerogative of the Crown; but a man who is committed for 40 days for dishonesty, and obstinately refusing to pay a debt when he has the means and won't pay, is imprisoned under the order of the Court by his own act. And this is such a case as that which occurred at Clitheroe. I shall be very sorry to be supposed to be an advocate for imprisonment for debt. I mention these matters that the public may not be misled by any misapprehensions as to the manner in which the jurisdiction is exercised, so as to justify the conclusion that it is an oppression upon a poor debtor while it excludes the rich; and I can only say that if the Legislature should think proper to take away this part of my jurisdiction they will relieve me of the most unpleasant part of my duty.

Lord Penzance and Lord Justice James have been appointed members of the Royal Commission to inquire into the grievances of military officers.

Mr. Joseph Brown, Q.C., in his address at the Social Science Congress, stated that in the prosecution of the directors of the British Bank the expenses were nearly £20,000, and that even the Home Office were very unwilling to take it up, and only the resolute determination of the late Lord Westbury, then Attorney-General, overcame their reluctance. Could any private person, he asked, have been expected to conduct the late prosecutions for forgery by the Bank of England, which were said to have cost £20,000?

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, Oct. 10, 1873.

3 per Cent. Consols, 92½	Annuities, April, '75 97
Ditto for Account, 92½	Do. (Red Sea T.), Aug. 1908
3 per Cent. Reduced '90½	Ex Bills, £1000, 2½ per Ct., 94½ dis
New 3 per Cent., 90½	Ditto, £500, 2½ dis
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 2 dis
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 4½ per
Do. 5 per Cent., Jan. '73	Ct. (last half-year) 246
Annuities, Jan. '80 —	Ditto for Account.

INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. 74, 205	Ind. Inf. Pr., 5 p Ct., Jan. '73
Ditto for Account, 22½	Ditto, 3½ per Cent., May, '79 103½
Ditto 5 per Cent., July, '80 108½	Ditto Debentures, per Cent.,
Ditto for Account, —	April, '64 —
Ditto 4 per Cent., Oct. '88 102	Do. Do., 5 per Cent., Aug. '73 101
Ditto, ditto, Certificates, —	Do. Bonds, 4 per Ct., £1000
Ditto Refaced Ppr., 4 per Cent. 96½	Ditto, ditto, under £1000

RAILWAY STOCK.

	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	120
Stock	Caledonian	100	95½
Stock	Glasgow and South-Western	100	120
Stock	Great Eastern Ordinary Stock	100	40½
Stock	Great Northern	100	129½
Stock	Do., A Stock	100	153
Stock	Great Southern and Western of Ireland	100	114
Stock	Great Western—Original	100	120½
Stock	Lancashire and Yorkshire	100	144½
Stock	London, Brighton, and South Coast	100	83
Stock	London, Chatham, and Dover	100	20½
Stock	London and North-Western	100	143½
Stock	London and South Western	100	106
Stock	Manchester, Sheffield, and Lincoln	100	75½
Stock	Metropolitan	100	60½
Stock	Do., District	100	26
Stock	Midland	100	133½
Stock	North British	100	64½
Stock	North Eastern	100	264½
Stock	North London	100	117
Stock	North Staffordshire	100	67
Stock	South Devon	100	69
Stock	South-Eastern	100	106½

MONEY MARKET AND CITY INTELLIGENCE.

The Bank rate has not been changed. There has been little demand for discount at the Bank, and the minimum rate for three months' Bank bills in the market has been ½ per cent. under the Bank rate. The proportion of reserve to liabilities has again fallen, from 33½ to about 32½. Railway stocks advanced at the commencement of the week, and again on Wednesday there was an average rise of at least ½ per cent. caused by the favourable nature of the traffic returns. In the foreign market there has been little activity. French scrip on Monday closed at 9½ to ¼ pm., but on Thursday had relapsed to 8½ to ¼.

Messrs. Grant Brothers & Co., as bankers and agents in Europe, are authorised by the River Plate and Brazil Telegraph Company (Companhia Telegraphica Platino-Brasileira) to offer for public subscription 4,550 shares of £20 each. The above-mentioned shares form part, and are the balance, of 19,550 shares of the company. The price of subscription is par, viz.—£20 per share, payable by instalments after allotment of £5 each on 1st December, 1st January, and 1st February, 1874. Subscribers will be entitled to interest at the rate of six per cent. per annum up to the 15th April next by which time it is fully anticipated the cables will be duly laid, and telegraphic communication established from the States of the River Plate to Rio de Janeiro, Bahia, Pernambuco, and Para, from which time dividends will accrue. The company is formed to connect by a submarine cable the city of Rio de Janeiro with the cities of Montevideo and Buenos Ayres. For this purpose an exclusive privilege has been granted by the Imperial Government of Brazil for a period of forty years. By the terms of this concession, power is reserved to the government to purchase the cables at any period after the expiration of ten years, upon the advantageous terms of paying for the same on the basis of the amount of the earnings of the five previous years; the cable reverting to the government at the expiration of the terms of the concession; and a reserve fund of 10 per cent. of the earnings will be created with a view of providing for the repayment of that portion of the capital represented by the cables. The submarine

cables have been contracted for by Messrs. Siemens Brothers, who have engaged to ship the same by 20th February next, and upwards of 700 miles are already manufactured, leaving only about 430 miles to be completed.

Messrs. Shorter, Clements, & Shorter announce that the lists of applications for 10,000 shares of the Newcastle Chemical Works Company (Limited) will be closed on Saturday, the 11th inst., for London, and on Monday, the 13th inst., at twelve o'clock, for the country.

LEGAL ITEMS.

A meeting of the Articled Clerks' Society was held on Wednesday last, the subject for the evening's debate being, "That Railways should be purchased and worked by the State." The motion was lost by a majority of five.

Among the guests who are expected to attend the fiftieth anniversary banquet of the Oxford Union Society, to be held at the Corn Exchange, Oxford, on the 22nd inst., under the presidency of the Lord Chancellor, are Lord Justice Mellish and the Attorney-General.

Lord St. Leonards has been seriously unwell. Ten days ago his lordship went out for a carriage drive, and caught a violent cold, accompanied by inflammatory symptoms. His condition, however, has greatly improved, and the medical men who are in attendance upon him hope that all dangerous symptoms have passed away.

At the Social Science Congress Mr. G. W. Hastings, on the authority of Mr. Dudley Field, gave a remarkable instance of the hardship of the existing American law with regard to the imprisonment of witnesses. When Mr. Fiske was shot in a hotel in New York two boys were witnesses of the attack made upon him. In order to prevent these two young boys being tampered with, or being possibly removed by the friends of the prisoner, they were put in prison, and they were in prison at New York at this time, because the matter was not yet settled. An Act to abolish such a system as this had been adopted by the State of California, and in the State of Illinois the practice had also ceased to exist. It still continued, however, in the State of New York.

The *Gazette* notifies that her Majesty, having deemed it expedient that a Royal Commission should inquire into the administrative departments of the Courts of Justice, as recommended in the second Report of the Select Committee appointed by the House of Commons to inquire into the expenditure for Civil Services, has appointed Lord Lisgar, Sir George William Wilshe Bramwell, Mr. William Law, Mr. G. O. Trevelyan, M. P., Mr. Algernon Edward West, C. B., and Mr. Francis William Rowsell to make inquiry into the numbers, salaries, superannuations, and cost, and the administration, regulation, organisation, manner of appointment and of promotion for each establishment of the aforesaid departments, and to recommend who ought to be responsible for the organisation of such establishments, and what should be their relation to the Commissioners of the Treasury. They are also to report whether and in what manner the large number of persons formerly connected with Courts of Justice who are in the receipt of compensation on abolition of office might be utilised by being appointed to other offices in these establishments, and what rules should be laid down as to compensation on abolition of judicial offices or of subordinate offices in these establishments.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

LEWIS—On October 8, at 13, Colchester-road, South Kensington, the wife of F. A. Lewis, Esq., of Lincoln's-inn, barrister-at-law, of a daughter.

WALTERS—On October 8, at Ewell, Surrey, the wife of W. Melmoth Walters, Esq., of Lincoln's-inn, of a daughter.

MARRIAGE.

BENNETT—TREMPERNE—On October 2, at St. Ives', Cornwall, Edward Gasking Bennett, solicitor, Plymouth, to Elizabeth Frances, younger daughter of I. N. Tremperne, Esq., of St. Ives'.

DEATH.

FRYER—On October 2, at Knighton, near Leicester, William Fryer, Esq., Clerk of the Peace for the county of Leicester, aged 71.

LONDON GAZETTES.

Professional Partnerships Dissolved.

TUESDAY, Oct. 7, 1873.

Atkinson, John, William Bartlett and J. F. H. Atkinson, Attorneys and solicitors, Liverpool. Sept 30.

Winding up of Joint Stock Companies.

TUESDAY, Oct. 7, 1873.

LIMITED IN CHANCERY.

Stanleys Bread and Biscuit Company, Limited.—The Lord Chancellor acting for the Master of the Rolls has, by an order, dated Aug 20, appointed David McClure Stevens, Gaidford, to be official liquidator

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Oct 3, 1873.

Flower, Clarinda Faith, Green lanes, Highbury New Park. Oct 29. Lane v Flower, Flower v Flower, V.C. Mallins. Smith, Denbigh st, Warwick square.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Oct 3, 1873

Beake, Edward Lane, St Ann's hill, Wandsworth, Outfitter. Nov 15. Harston, Gresham st
Blackford, Mary, Bowdley, Worcester. Jan 1. Marey, Bowdley
Brittain, William, Shustoke, Warwick, Yeoman. Oct 31. Duke, Birmingham
Clapham, Mary, Blenheim crescent, Notting hill. Nov 29. Bloxam and Co, Lincoln's inn fields
Clay, Elizabeth, Raistrick, York. Dec 31. Ford and Co, Leeds
Cook, Charles, Powis st. Woolwich, Draper. Nov 25. Pritchard and Englefield, Little Trinity lane
Deacon, Rachel, Paddington green. Nov 10. Presswell, Old Jewry
Edwards, Peter, Liverpool, Gas Rent Collector. Dec 1. Holt and Rowe, Liverpool
Firmin, Ephraim, Leewich, Suffolk, Sack Cloth Manufacturer. Nov 1. Grimsey and Co, Ipswich
Gooch, Richard, Peterborough, Northampton, Rector. Nov 15. Lewis and Co, Southampton st, Strand
Harrie, Samuel, Sydney, New South Wales, Surgeon. Nov 29. Boxall, Brighton
Jepson, Harriet Brackenbury, Turnham Green. Nov 21. Doe, Harrogate
Johnson, Mary Anne, Trench, Salop. Nov 17. Fisher and Hodges, Newport
Lacy, Thomas Hailes, Sutton, Surrey, Esq. Nov 30. Clarke, Serjeant's inn, Fleet st
Leonard, Thomas, Redwick, Monmouth, Baptist Minister. Dec 3. Grewney and Bythway, Pontypool
Mills, William, Albany rd, Camberwell, Gent. Dec 1. Chester Newington built
Morphew, Jeffery, Cheriton, Kent, Esq. Dec 1. Bartlett, Arthur at West, London Bridge
Phythian, Mary, Liverpool. Oct 20. Bartley, Liverpool
Presland, John, Charlotte st, Blackfriars rd, Hat Trimming Maker. Nov 28. Pritchard and Englefield, Little Trinity lane
Rowan, David, Preston, Lancashire, Draper. Nov 10. Forshaw, Preston
Ty-on, William, Wandstead, Essex, Gent. Nov 10. Harcourt and Macarthur, Moorgate st
Yates, John, Ashton, Bryanston square, Esq. Nov 1. Holt and Rowe, Liverpool

Bankrupts.

FRIDAY, Oct 3, 1873.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar. To Surrender in London.

Bruce, James Earnest Bradenell, Stone buildings, Lincoln's inn, Barrister at law. Pet Sept 30. Brougham. Oct 16 at 12.30
Swinhoe, W G, Berkeley gardens, Kensington, Captain, Esqr. Life Mills. Pet Sept 29. Roche. Oct 16 at 12

To Surrender in the Country.

Ash, Frederick, Portsmouth, Hants, General Salesman. Pet Sept 28. Howard. Portsmouth, Oct 13 at 3
Bates, Thomas, Haling, Kent, Farmer. Pet Sept 30. Acworth. Rochester, Oct 17 at 12
Billings, Henry, Cheltenham, Gloucester, Jeweller. Pet Oct 1. Gak. Cheltenham, Oct 18 at 11
Kendal, Robinson, Liverpool. Pet Oct 1. Watson. Liverpool, Oct 14 at 3
Thompson, Rosina Sophia, Southport, Lodging house keeper. Pet Oct 1. Watson. Liverpool, Oct 14 at 2
Way, Charles, Bristol, Carver. Pet Sept 30. Harley. Bristol, Oct 17 at 12

TUESDAY, Oct. 7, 1873.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar. To Surrender in the Country.

Booth, George, Leefield, near Manchester, Gent. Pet Oct 3. Hall. Ashton-under-Lyne, Oct 23 at 11
Daly, John, Liscard, Cheshire, Corn Broker. Pet Oct 2. Watson. Liverpool, Oct 29 at 3
Davis, Henry, Sheffield, Die Maker. Pet Oct 4. Rodgers. Sheffield, Oct 22 at 12
Jones, Henry, Swansea, Glamorgan, Grocer. Pet Oct 4. Jones. Swansea, Oct 17 at 12
Marples, William, Sheffield, Licensed Victualler. Pet Oct 3. Wals. Sheffield, Oct 22 at 12

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 3, 1873.

Sands, James Isaacs, Great Mitchell st, St Luke's, Pawnbroker. Sept 27

Liquidation by Arrangement.
FIRST MEETINGS OF CREDITORS.

TUESDAY, Sept. 30, 1873.

Anderson, William, jun, Newcastle-upon-Tyne, Surgeon. Oct 16 at 3 at offices of Elison, Royal arcade, Newcastle-upon-Tyne
 Baker, Robert. Exeter, Licensed Victualler. Oct 15 at 12 at the Foresters Arms Inn, Commercial rd, Exeter. Flood, Exeter
 Barron, Ellen, Lancashire, Northmoor's, out of business. Oct 15 at 4 at offices of Parr and Sadler, Lord st, Southport
 Barry, John, Exeter, Bookseller. Oct 16 at 11 at offices of Harris and Co, Gandy chambers, Exeter. Huggins, Exeter
 Bennett, William, Hastings, Sussex, Stationer. Oct 13 at 1 at offices of Savery, Trinity st, Hastings
 Blakey, John, and Samuel Bush, Liverpool, Boot Makers. Oct 6 at 10 at offices of Rogerson, Cook st, Liverpool
 Bond, Elias, Liverpool, Boot Dealer. Oct 16 at 3 at offices of Lawrence and Dixon, Harrington st, Liverpool
 Broome, John, Seething lane, Great Tower st, Ship Agent. Oct 15 at 3 at offices of Great Office Stephenson, Suffolk lane, Cannon st
 Butt, Thomas, Metropolitan Meat Markets, Smithfield, Victualler. Oct 23 at 2 at offices of Nash and Co, Suffolk lane
 Cadot, Emmanuel Horace, and John Johnson, Queen Victoria st, Commercial Agents. Oct 14 at 1 at offices of Kemp and Co, Walbrook. Wickens, Old Broad st
 Callow, Walter, Atresford, Hants, Saddler. Oct 13 at 1 at the Masons' Hall Tavern, Masons' avenue, Basinghall st. Shepton, Winchester
 Carter, George, Birmingham, Grocer. Oct 14 at 11 at the Acon Hotel, Temple st, Birmingham. Powell, Birmingham
 Challoner, William Adolphus, Margate, Kent, Licensed Victualler. Oct 6 at 2 at the George and Dragon, Gendish st, Ramsgate
 Claws, Henry, Claudius Edward Habicht, Alexander Taylor, and Theodore Fowler, Old Broad st, American Bankers. Oct 23 at 2 at offices of Cooper and Co, George st, Mansion House. Hillyer and Co, Fenchurch st
 Cornell, Alfred William, Mortlake, Surrey, Draper. Oct 7 at 3 at office of Sherrard, Lincoln's inn fields
 Crisp, William, Pocking, Norfolk, Carpenter. Oct 14 at 12 at offices of Ward, Tuesday Market place, King's Lynn
 Crookall, Robert, and John Crookall, Bolton, Lancashire, Tea Dealers. Oct 15 at 10 at offices of Richardson and Dowling, Wood st, Bolton
 Duncan, John, Liverpool, Painter. Oct 14 at 2 at offices of Harris, Union court, Castle st, Liverpool
 Dyer, Leon, King Henry's rd, Primrose Hill, Gant. Oct 15 at 3 at office of Yeo and Warner, Hart st, Bloomsbury square
 Evans, Lewis, Pengawse, Pembroke, Farmer. Oct 9 at 11 at offices of Howell, Park st, Llanelli
 Fennell, Mary Adelaide, Norwich, Stationer. Oct 14 at 11 at offices of Winter and Francis, St Giles st, Norwich
 Fisher, Thomas, Seacombe, Cheshire, Butcher. Oct 8 at 4 at offices of Gibson and Bolland, South John st, Liverpool. Evans and Lockett, Liverpool
 Garvey, Henry, Liverpool, Boot Dealer. Oct 13 at 2 at offices of Hughes, Lord st, Liverpool
 Golding, Charles Ralph, Ventnor, Isle of Wight, Ironmonger. Oct 10 at 12 at the Star and Garter Hotel, Victoria st, Wolverhampton. Urry Hancock, James, Lower Wandsworth rd, Mason. Oct 16 at 2 at the Guildhall Tavern, Gresham st. Michael, Basinghall st
 Hatcher, Frank, Southampton, Shopkeeper. Oct 14 at 2 at offices of Kilby, Portland st, Southampton
 Herbert, William, Windsor, Berks, Saddler. Oct 15 at 3 at the Bull Hotel, Fawcett, Windsor, Mason, Gresham st
 Henderson, Eliza, and George Walker, York, Confectioners. Oct 14 at 12 at Abbott's Railway Hotel, Tannor row, York. Wood & Co, York
 Hepworth, Alfred George, Somerford grove, Stoke Newington rd, out of business. Oct 11 at 3 at offices of Pain, Marylebone rd
 Hewitt, Job, Leamington Priors, Warwick, Car Proprietor. Oct 13 at 12 at 36, Warwick st, Leamington Priors. Overell
 Higgins, Thomas, Birmingham, out of business. Oct 11 at 3 at the Castle and Falcon Hotel, Snow hill, Birmingham
 Hoger, Thomas, Middleham, York, Innkeeper. Oct 16 at 10.15 at the Golden Lion Hotel, Northallerton. Wrenson
 Hollings, Edmund, Leeds, Druggist. Oct 11 at 11 at offices of Fawcett and Malcolm, Park row, Leeds
 Holmes, George William, Ipswich, Suffolk, Miller. Oct 13 at 3 at office of Vuillamy, Tower st, Ipswich
 Howe, Thomas Lenthwaite, Cardiff, Artist. Oct 14 at 11 at offices of Morgan, High st, Cardiff
 Jacobs, Julius, Edgbaston, Warwick, General Dealer. Oct 13 at 3 at offices of Jaques, Cherry st, Birmingham
 Layton, Edward, Angulus, Epton-cum-Chalvey, Buckingham, Coal Merchants. Oct 15 at 11 at the Crown Hotel, Slough. Charaley, Slough
 Linsell, Henry, and Isaac Partridge, Saville st, Piccadilly, Jewellers. Oct 15 at 3 at the Guildhall Coffee house, Gresham st. Silberman, Cornhill
 Lovatt, William, Leek, Stafford, Silk Manufacturer. Oct 4 at 13 at the Red Lion Hotel, Leek
 Meyrick, James, Wolverhampton, Stafford, Tailor. Oct 16 at 12 at offices of Ward, St Peter's walk, Wolverhampton
 Miller, James, sen, and James Miller, jun, Clifton rd, Pochham, Elastic Gasket Manufacturers. Oct 7 at 4 at offices of Nind, St Benet's place, Gracchurh st
 Morris, Charles, Tewkesbury, Gloucester, Baker. Oct 13 at 11 at offices of Moores and Romney, Tewkesbury
 Murrell James, Great Yarmouth, Norfolk, General Dealer. Oct 17 at 12 at office of Whitshire, Hall Plain, Great Yarmouth
 Pack, George, Birmingham, Boot Manufacturer. Oct 9 at 3 at offices of Wright and Marshall, Townhall chambers, New st, Birmingham
 Price, Robert, Whitchurch, Salom, Chiswick. Oct 17 at 12 at the Fox and Goose Inn, Whitchurch. Brooke, Nantwich
 Price, Thomas, Salford, Lancashire, Grocer. Oct 16 at 3 at offices of Storor, Fountain st, Manchester

Sewell, William, Wrexham, Denbigh, Mercer. Oct 13 at 12 at offices of Boydel and Co, Pepper st, Chester
 Shackell, Thomas, Bath, Somerset, Carpenter. Oct 6 at 2 at 18, Upper Broadway, Bath. Ellison, Bristol
 Shea, David, Glenvil le square, Mornington rd, New Cross, Glass Bottle Manufacturer. Oct 11 at 11 at offices of Carter, Old Jewry chambers
 Sman, William, Birmingham, Engineer. Oct 10 at 3 at offices of Wright and Marshall, Townhall chambers, New st, Birmingham
 Simpson, Charles, Kings ton-upon-Hull, Builder. Oct 13 at 2 at office of Summers, Manor st, Kingston-upon-Hull
 Smith, John, and John Hewitt, Old st, St Luke's, Engineers. Oct 22 at 3 at offices of Harcourt and Macarthur, Moorgate st
 Smith, William Hudson, and Alfred Edward Slight, Nottingham, Lace Merchants. Oct 14 at 12 at offices of Acton, Victoria st, Nottingham
 Spedding, Charles, Leeds, Woollen Manufacturer. Oct 14 at 3 at office of Middleton and Sons, Park row, Leeds
 Taylor, Frederick, Newark-upon-Trent, Notts, Butcher. Oct 20 at 12 at the Newark Arms, Newark-upon-Trent. Belk, Nottingham
 Thomas, Elijah Edwin, Fonthill rd, Seven Sisters' rd, Stonemason. Oct 22 at 12 at offices of Chamberlain Basinghall st
 Trachy, Philip, Kirkdale, Lancashire, Master Mariner. Oct 24 at 3 at offices of Lowe, Castle st, Liverpool
 Turner, John Harrison, Beacon Hill, St Lawrence, Essex, Farmer. Oct 16 at 3 at offices of Hicklin and Washington, Trinity square, Southwark
 Turtle, John Bainton, Duke st, London Bridge, Flag Maker. Oct 15 at 12 at offices of Silberberg, Cornhill
 Valters, James, Great Dunmow, Essex, Common Brewer. Oct 16 at 11 at the Green Dragon Hotel, Bishopgate st, Snell, Great Dunmow
 Wheeler, Joseph, Elcho rd, Shaftesbury Park, Wandsworth rd, Plasterer. Oct 15 at 10 at offices of Kisch and Co, Wellington st, Strand
 Zegers, Peter John, Highwood hill, Middlesex. Oct 13 at 3 at offices of Salaman, King st, Chisleade

FRIDAY, Oct. 3, 1873.

Baker, John Worrall, Liverpool, Hatter. Oct 23 at 2 at offices of Hughes, Lord st, Liverpool
 Barton, George, Kent House rd, Sydenham, Commission Agent. Oct 11 at 2 at the Bridge House Hotel, Borough High st. Parsons, Fish at hill
 Blake, Rev William, Wetherall, Cumberland. Oct 16 at 12 at offices of Dobinson and Watson, Bank st, Carlisle
 Braithwaite, Walter, Flitton, York, Farmer. Oct 16 at 3 at offices of Watts, Hunter's row, Scarborough
 Briggs, Albert Flesher, Otley, York, Grocer. Oct 11 at 3 at offices of Fawcett and Malcolm, Park row, Leeds
 Capasy, William Ford, Birmingham, Butcher. Oct 13 at 11 at the Crown Hotel, St Mary st, Shrewsbury
 Carlisle, Robert, Scalby, York, Grocer. Oct 15 at 3 at offices of Carlisle and Co, St Thomas st, Scarborough
 Clark, Edward, River terrace, Chelsea, Brick Merchant. Oct 16 at 3 at offices of Mardon and Co, Chapel place, Poultry. Philip and Behrend, Pancras lane, Queen st
 Cocksdge, Charles William, Lawrence lane, Chesham, Warehouseman. Oct 23 at 3 at offices of Edwards and Co, King st, Chesham
 Perrin, King st, Chesham
 Collings, Albert Seymour, Theoberton st, Islington, Corn Merchant. Oct 17 at 2 at offices of Porter, Leadenhall st
 Davies, John, Llandudno, Carnarvon, Refreshment house Keeper. Oct 18 at 2 at the Birmingham Arms, Llandudno. Blackford and Riches, Great Swan alley, Moorgate st
 Davies, William Rosser, Garndiffaith, Monmouth, Innkeeper. Oct 20 at 10 at the Crown Hotel, Pontypool. Morgan, Newport
 Farmery, William, Sotherton, Lincoln, Butcher. Oct 14 at 3 at offices of Page, jun, Flax gate, Lincoln
 Fenbow, Thomas, Bishopscote, Sunderland, Mattress Manufacturer. Oct 13 at 3 at offices of Robinson, John st, Sunderland
 Fielding, George, Manchester, Public Accountant. Oct 20 at 3 at office of Storor, Fountain st, Manchester
 Fisher, Thomas, Seacombe, Cheshire, Butcher. Oct 8 at 4 at offices of Gibson and Bolland, South John st, Liverpool. Evans and Lockett, Liverpool
 Flower, Richard Vincent, Woodstock terrace, Stroud green rd, Finsbury Park, Lawyer's Clerk. Oct 13 at 11 at offices of Carling, King's rd, Bedford row
 Foster, Benjamin, and John Hirst, Bradford, York, Staff Manufacturers. Oct 10 at 10 at offices of Rhodes, Duke st, Bradford
 Fuelling, Edward, and David Fuelling, Need terrace, Harrow rd, Corn Factors. Oct 17 at 4 at offices of Bathone and Webber, Upper Thames st. Button and Co, Henrietta st
 Goodwin, John Wesley, Kinder st, Old Kent rd, Grocer. Oct 20 at 2 at offices of Birchall, London wall. Harrison, London wall
 Goulden, John, Southampton, Retailer of Beer. Oct 13 at 3 at offices of Pocock, Furland st, Southampton
 Greenwood, William, Bailey Carr, York, Grocer. Oct 15 at 3 at offices of Ibberson, Dewsbury
 Guillaume, Frederick Alfred, Chiswell st, Finsbury, Stationer. Oct 13 at 12 at offices of Miller and Miller, Shorborne lane
 Halfpenny, Elijah, Crews town, Cheshire, Painter. Oct 13 at 11 at Temple chambers, Oak st, Crewe Town. Cooke
 Harwood, John, Blackburn, Lancashire, Draper. Oct 17 at 1 at office of Gregory, York st, Manchester. Hall and Holland, Blackburn
 Helm, John, Raistrick, Halifax, York, out of business. Oct 16 at 4 at offices of Leary and Leary, Buxton rd, Huddersfield
 Henning, Charles, and Henry Charles Henning, Chiswick, Builders. Oct 16 at 3 at offices of the Alliance Economic Company, Lincoln's inn fields. Ribet and Co, Lincoln's inn fields
 Hinde, Charles, Jopson, Liverpool, Commission Agent. Oct 20 at 2 at offices of Gibson and Bolland, South John st, Liverpool
 Hunt, George Jonkyns, Hound, Hants, Farmer. Oct 14 at 1 at offices of Lee and Best, Portland terrace, Southampton
 Jones, George, Church Uppenalh, Cheshire, Farmer. Oct 16 at 3 at offices of Latham and Bryant, Market st, Crewe
 Marriott, Joseph Collyer, Murray st, New North rd, Hoxton, Furrier. Oct 22 at 3 at offices of Butcher, Chisleade
 Marshall, Alfred, Newport, Monmouth, Confectioner. Oct 20 at 11 at office of Williams and Co, Dock st, Newport

Mason, William Andrew, Little Driffield, York, Nurseryman. Oct 17 at 2 at offices of Jennings, Great Driffield
 McMane, Catherine, Dewsbury Moor, York, Shopkeeper. Oct 21 at 10.15 at offices of Scholes and Son, Leeds rd, Dewsbury
 Miller, William, Manchester, Fancy Box Maker. Oct 21 at 3 at offices of Storor, Fountain st, Manchester
 Monkton, William Palmer, Liverpool rd, Islington, Butcher. Oct 20 at 2 at offices of Ashley and Teo, Frederick's place, Old Jewry
 Mulligan, Edward, Sheffield, Grocer. Oct 17 at 3 at offices of Singleton, St James row, Sheffield
 Noaks, Elizabeth, and John Noaks, Chasem, Surrey, Brewers. Oct 28 at 12 at offices of Chinery and Aldridge, Es ex st, Strand
 Page, John, Beckenham, Kent, Licensed Victualler. Oct 21 at 3 at offices of Bowen, Basinghall st, Gregory, Bromley
 Pharaoh, Charles, Cranze, Cartmel, Lancashire, Builder. Oct 15 at 11 at the Temperance Hall, Ulverston. Jackson, Ulverston
 Pook, Thomas, Newgate st, Cork Merchant. Oct 14 at 2 at offices of Heald and Co, Moorgate st, Parke
 Prior, Robert Thomas, Becking End, Essex, Cabinet Maker. Oct 13 at 11 at offices of Whites and Co, Badger row, Cannon st. Meggy
 Puleford, Thomas Henry, Princes st, Leicester square, Builder. Oct 23 at 4 at offices of Butten and Co, Henrietta st, Covent garden
 Rees, David, Carmarthen, Boot Maker. Oct 13 at 10.15 at offices of Evans, Queen's, Carmarthen
 Rider, Thomas, Leeds, out of business. Oct 14 at 1 at office of Routh, Park row, Leeds, Billinton
 Ripley, Thomas, Leeds, Dealer in Provisions. Oct 20 at 2 at offices of Harle, Victoria chambers, South parade, Leeds
 Roberts, John, Shrewsbury, Salop, Boot Maker. Oct 14 at 11 at offices of Morris, Swan hill, Shrewsbury
 Roe, William Sleath, Great Bowden, Leicester, Brush Maker. Oct 15 at 2 at offices of Owston, Friar lane, Leicester
 Scott, James, George st, Portland place, Cooks. Oct 20 at 2 at the Guildhall Coffee house, Gresham st
 Shalders, Frederick, Blossom st, Norton Folgate, out of business. Oct 18 at 2 at offices of Popham, Vincent terrace, Islington
 Simpson, John, Oldham, Lancashire, Butcher. Oct 15 at 3 at office of Mann, Marsden at, Manchester
 Thurston, John, Wolverhampton, Stafford, no occupation. Oct 13 at 10.30 at offices of Barrow, Queen st, Wolverhampton
 Tummore, Frederick, Liverpool, Furniture Broker. Oct 16 at 3 at office of Nordon, Cook st, Liverpool
 Walker, John, and Samuel James Harrison, Blackburn, Lancashire, Tailors. Oct 14 at 2 at offices of Payne, Cooper st, Manchester
 Backhouse, Blackburn
 Walsh, Joseph, Halifax, York, Provision Dealer. Oct 9 at 3 at offices of Boocock Silver st, Halifax
 Watson, James, Bailey, York, Innkeeper. Oct 14 at 3 at the Royal Hotel, Dewsbury. Ibberson, Dewsbury
 Wilkinson, George, Kingston-upon-Hull, Labourer. Oct 15 at 2 at offices of Rollet and Son, Trinity House lane, Kingston-upon-Hull
 Williams, Thomas Howell, Bristol, Bookbinder. Oct 17 at 1 at offices of Sweet and Burroughs, Bridge st, Bristol

TUESDAY, Oct 7, 1873.

Addison, George, Bath, Gent. Oct 20 at 12 at office of Cook, Henrietta st, Bath
 Ambler, John, Sale, Cheshire, A/c Dealer. Oct 22 at 3 at offices of Gardner and Horner, Cross st, Manchester
 Allmitt, Henry, Coilverstone crescent, Dalston, Vinegar Merchant. Oct 17 at 12 at offices of Westall and Co, Leadenhall st
 Bagshawe, John James, Sheffield, Steel Manufacturer. Oct 15 at 2 at office of Bromhead and Co, Bank chambers, George st, Sheffield
 Barker, James, Manchester, Fruitier. Oct 20 at 11 at offices of Mann, Marsden at, Manchester
 Beckey, William, Gloucester rd, Camberwell, Builder. Oct 22 at 3 at offices of Baunter and R. bison, Philpot lane, Fenchurch st
 Berrisford, John, Alghraam, Cheshire, Laborer. Oct 24 at 3 at Temple chambers, Oak st, Crewe Town. Cooke
 Bingham, Richard Frank, Sheffield, Grocer. Oct 16 at 4 at offices of Cleeg and Son, Bank st, Sheffield
 Blakeley, David, and Joseph Blakeley, Batley, York, Cloth Finishers. Oct 21 at 3 at the Royal Hotel, Dewsbury. Ibberson, Dewsbury
 Bradley, Benjamin, and Thomas Bradley, Fulham rd, Builders. Oct 16 at 12 at offices of Tomlin, Old Burlington st
 Burgess, John, Warrington, Lancashire, Builder. Oct 21 at 3 at offices of Brookes, Horsemarket st, Warrington. Davies and Brook, Warrington
 Butterworth, James, Blackpool, Lancashire, Baker. Oct 23 at 3 at the Mitre Hotel, Cathedral yard, Manchester. Blackburn, Oldham
 Carr, William, Newcastle-upon-Tyne, Bacon Factor. Oct 21 at 3 at offices of Eldon, Arcade, Newcastle-upon-Tyne
 Choice, Joseph, Burghale, Leicester, Bookseller. Oct 21 at 1 at office of Owston, Friar lane, Leicester
 Clatterback, James, Holloway rd, Cheesemonger. Oct 23 at 3 at office of Lewis, Hatton garden, Hoborn
 Cole, Isaac, Robin Hood lane, Poplar, Rigger. Oct 20 at 10 at the Guildhall Tavern, Hind
 Cooper, William James, Barriem, Stafford, Printer. Oct 14 at 1 at the Wheat Sheaf Hotel, Stoke-upon-Trent. Lea, Barriem
 Cotton, Walter, Jarrow, Durham, Ale Merchant. Oct 21 at 11 at offices of Hodge and Harle, Wellington place, Pilgrim st, Newcastle-upon-Tyne
 Grompton, James George, Stockport, Cheshire, Hat Manufacturer. Oct 21 at 3 at offices of Sampson, St James's chambers, South King st, Manchester
 Darnford, Henry, Spenser rd, Highgate rd, Builder. Oct 23 at 11 at offices of Underwood, Chancery lane
 Eason, William, Tunbridge, Kent, Builder. Oct 20 at 11 at offices of Gorham and Warner, High st, Tunbridge
 Fernari, Achille, Dewsbury, York, Rag Merchant. Oct 23 at 11 at the Great Bull Hotel, Wakefield. Chadwick and Sons
 Field, James, Lombard Market, Battersea, Grocer. Oct 20 at 11 at offices of Russell, Walbrook
 Fleming, Joseph, Sunderland, Durham, Joiner. Oct 20 at 11 at offices of Alcock, Norfolk st, Sunderland
 Gavin, John, Aston, Warwick, Greengrocer. Oct 20 at 2 at office of Phillips, Moor st, Birmingham

Genz, John William, Huddersfield, Merchant's Clerk. Oct 25 at 1 at office of Armitage, Lord st, Huddersfield
 Gibbs, William, Leicester, Draper. Oct 20 at 12 at offices of Owston, Friar lane, Leicester
 Gilby, Henry, Bures, St Mary, Suffolk, Saddler. Oct 18 at 12 at the Green Dragon Hotel, Bishopgate st, Mumford, Sudbury
 Gillard, Sidney Wright, Half Moon st, Bishopsgate, Export Oilman. Oct 21 at 2 at the City Terminus Hotel, Cannon st. Phillips and Willicombe, Mark Lane
 Goodman, Reuben, Birmingham, General Dealer. Oct 17 at 3 at offices of Duke, Christ Church passage, Birmingham
 Gorse, Joseph, Bolton, Lancashire, Operative Cotton Spinner. Oct 18 at 11 at offices of Winder, Bowker's row, Bolton
 Hemming, William, Aston, near Birmingham, Baker. Oct 15 at 12 at offices of Fallows, Cherry st, Birmingham
 Henton, Henry, Dunstable, Bedford, Dyer. Oct 17 at 11 at offices of Russell, Walbrook
 Hewitt, William Henry, Birmingham, Jeweller. Oct 17 at 12 at offices of Duke, Christ Church passage, Birmingham
 Hogben, Thomas, Hastings, Sussex, Coach Builder. Oct 18 at 1 at office of Savery, Trinity st, Hastings
 Houghton, John, Auburn, Lincoln, Baker. Oct 21 at 11 at offices of Page, Jan, Flaxen gate, Lincoln
 Hunt, William, Norfolk terrace, Bayswater, Dealer in Sewing Machines. Oct 13 at 12 at 15, Devonshire st, Hammermith rd. Morris
 Jackson, Henry, Borough market, Fruit Salesman. Oct 16 at 10 at the Anchor Tavern, Banskide, Sherwood, Caray st
 Jackson, Walter Richard, Chatham, Kent, Carpenter. Oct 23 at 3 at offices of Hayward, High st, Rochester
 Jennings, Sam, Bradford, York, Worsted Spinner. Oct 24 at 11 at offices of Busfield and Atkinson, Dale st, Kircgate, Bradford
 Lambert, Emile a Speculo, Andover, Hants, Teacher of Languages. Oct 23 at 3 at the Globe Hotel, High st, Andover. Lamb
 Lawson, James, Leeds, Slater. Oct 22 at 2 at office of Horsfall and Lister, John George, Milford, Pembroke, Shipbuilder. Oct 28 at 1 at the Guildhall, Carmarthen. Botterell, Sunderland
 Long, Joseph, Manchester, Commission Merchant. Oct 17 at 4 at offices of Addisshaw and Warburton, King st, Manchester
 Manning, Peter, Liverpool, Hardware Merchant. Oct 17 at 3 at offices of Quinn, South John st, Liverpool
 Marshall, Ebenezer, Holloway rd, Upholsterer. Oct 20 at 3 at the Guildhall Coffee house, Gresham st. Sampson and Co, Finsbury circus
 Matthews, Arthur, High st, Deptford, Draper. Oct 13 at 2 at office of Verne, Craven st, Strand
 Niblett, Charles, Cheltenham, Gloucester, Aerated Water Manufacturer. Oct 20 at 11 at offices of Marshall, Essex place, Cheltenham
 Noakes, John Frederick, Old Kent rd, Grocer. Oct 20 at 12 at offices of Izard and Betts, Eastcheap. Reed and Lovell, Basinghall st
 Peeke, George, Tunbridge Wells, Kent, Nurseryman. Oct 18 at 10 at offices of Stone and Simpson, Church rd, Tunbridge Wells
 Purdy, William, York, Draper. Oct 20 at 12 at offices of Crumbe, Stonegate, York
 Rigby, Samuel, and Thomas Gillbanks, Radcliffe, Lancashire, Brewers. Oct 18 at 12 at the Commercial Hotel, Market st, Manchester. Ashworth, Rochdale
 Robinson, Thomas, Beauchampton, Buckingham, Publican. Oct 29 at 11 at offices of Jeffery, Market square, Northampton
 Simonds, Fanny, Susan Wyatt, and Annie Simonds, Red Hill, Edgware, Assistants to a Schoolmaster. Oct 24 at 12 at offices of Buchanan, Basinghall at
 Smart, William, Hungerford, Berks, Pork Butcher. Oct 17 at 11 at offices of Goulier, Hungerford
 Stevens, Vernon, Tyler's Green, Bucks, Tailor. Oct 21 at 3 at the White Hart Inn, Chepping Wycombe. Spicer, Great Marlow
 Taghram, Nicholas, West Hartlepool, Durham, Furniture Dealer. Oct 16 at 11 at offices of Todd, Surtees st, West Hartlepool
 Tyler, James Buris, St Neots, Huntingdon, Corn Dealer. Oct 20 at 12 at the New Inn, High st, St Neots. Ellison and Burrows, Cambridge
 Wallace, Joseph, Kyton, Durham, Farmer. Oct 23 at 12 at offices of Keenlyside and Forster, St John's chambers, Granger st West, Newcastle-upon-Tyne. Winship, Newcastle-upon-Tyne
 Walsh, Patrick, Wrexham, Denbigh, Hatter. Oct 15 at 3 at the Crown Hotel, Cooper st, Manchester. Sherratt
 Walton, James, Matthew Walton, and Thomas Warburton, Manchester, Warp and Yarn Bleachers. Oct 21 at 3 at offices of Walker and Litchfield, Temple chambers, St James square, Manchester. Granly and Co, Bury
 White, Thomas Askell, Russell at, Covent Garden, Grocer. Oct 31 at 2 at offices of Nash and Co, Suffolk lane, Cannon st
 Whitworth, Richard Hawson, Jan, Nottingham, Confectioner. Oct 17 at 11 at offices of Hogg, Wheeler gate, Nottingham
 Wilson, Thomas Joseph, Stoke-on-Tees, Durham, Grocer. Oct 16 at 2 at offices of Dobson, Gosford st, Middleborough
 Wintle, William, Cheltenham, Gloucester, Fruitier. Oct 13 at 12 at offices of Potter, Northfield House, North place, Cheltenham
 Wolstanholme, Robert, Great Harwood, near Accrington, Lancashire, Cotton Manufacturer. Oct 24 at 3 at offices of Sale and Co, Booth st, Manchester

CARR'S, 265, STRAND.—
 Dinners (from the joint) vegetables, &c., 1s. 6d., or with Soup or Fish, 2s. and 2s. 6d. "If I desire a substantial dinner off the joint, with the agreeable accompaniment of light wine, both cheap and good, I know only of one house, and that is in the Strand, close to Dame Inn. There you may wash down the roast beef of old England with excellent Burgundy, at two shillings a bottle, or you may be supplied with half a bottle for a shilling."—All the Year Round, June, 18, 1864, 440 page.

The new Hall lately added is one of the handsomest dining-rooms in London. Dinners (from the joint), vegetables, &c., 1s. 6d.